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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

IMRAN ALRAI

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18-cr-192-01-JL
December 5, 2019
9:10 a.m.

TRANSCRIPT OF BENCH TRIAL
DAY FOUR - MORNING SESSION
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

APPEARANCES:

For the Government:

John S. Davis, AUSA
Matthew Hunter, AUSA
Cam T. Le, AUSA
U.S. Attorney's Office

For the Defendant:

Timothy M. Harrington, Esq.
Timothy C. Ayer, Esq.
Shaheen & Gordon, P.A.

Also Present:

John J. Commisso, Esq.

Court Reporter:

Susan M. Bateman, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1453

I N D E X

WITNESSES: Direct Cross Redirect Recross

JANE GRADY

By Mr. Davis 3 40

By Mr. Ayer 32

MOHAMAD KAL WAHBE:

By Ms. Le 41 114/126

By Mr. Harrington 93 128

ELAINE SINGER

(Previously transcribed under separate cover)

<u>EXHIBITS</u>	<u>FOR ID</u>	<u>IN EVD</u>
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Government's Exhibit 609. 8

Government's Exhibit 412. 10

Government's Exhibit 639. 20

Government's Exhibit 407. 31

Government's Exhibit 703. 73

Government's Exhibit 620. 76

1 P R O C E E D I N G S

2 THE CLERK: The Court has for consideration
3 this morning day four of the bench trial in criminal
4 case 18-cr-192-01-JL, United States of America versus
5 Imran Alrai.

6 THE COURT: All right. It's day four of the
7 trial. Please call your next witness.

8 MR. DAVIS: Jane Grady.

9 JANE GRADY

10 having been duly sworn, testified as follows:

11 THE CLERK: For the record, please state your
12 full name and spell your last name.

13 THE WITNESS: Jane Grady, G-R-A-D-Y.

14 THE CLERK: Thank you. Please be seated.

15 DIRECT EXAMINATION

16 BY MR. DAVIS:

17 Q. And Ms. Grady, did you work with United Way?

18 A. Yes, I did.

19 Q. And for how long?

20 A. Almost 22 years.

21 Q. And when did you leave United Way?

22 A. At the end of March of this year.

23 Q. So 2019?

24 A. Yes.

25 Q. And what state do you live in now?

1 A. North Carolina.

2 Q. Is it snowing down there?

3 A. No.

4 Q. All right. What was your job and job title
5 when you left United Way?

6 A. Vice president of human resources and ethics
7 officer.

8 Q. So were you the ethics officer for United Way
9 for a number of years?

10 A. Yes.

11 Q. And how long?

12 A. Approximately 15 years.

13 Q. Okay. And did you know Imran Alrai at United
14 Way?

15 A. Yes, I did.

16 Q. And do you see him in the courtroom today?

17 A. I do.

18 Q. Did you participate in his hiring?

19 A. Yes, I did.

20 Q. And what was your participation in that,
21 briefly?

22 A. Once he was selected for employment, my office
23 was responsible for reference checks and employment
24 paperwork.

25 Q. Okay. And what position was he hired for?

1 A. Senior director of information technology.

2 Q. And was he later promoted?

3 A. He was.

4 Q. To what position?

5 A. Vice president of IT.

6 Q. Okay. And who handled the reference checks
7 for you?

8 A. Nicole Nash.

9 Q. Okay. And were all of those reference checks
10 documented?

11 A. Yes, they were.

12 Q. And were some of the reference checks in this
13 case by e-mail?

14 A. I believe all of them were by e-mail.

15 Q. And was it unusual to have e-mail references?

16 A. Yes, it was. It's not standard practice. It
17 certainly happens sometimes, but it's not the standard.

18 Q. In any event, the references were deemed
19 acceptable?

20 A. Yes.

21 Q. And Mr. Alrai was on board?

22 A. Yes, he was.

23 Q. Okay. In the orientation of a new employee --

24 THE COURT: Can I ask a question?

25 Why do you think the e-mail references and the

1 sort of unorthodox vetting was -- why do you think that
2 happened in this case?

3 THE WITNESS: My assistant, Nicole Nash, said
4 that she was unable to reach the references that were
5 listed. She was unable to reach them by phone. So when
6 she couldn't reach them, she reached out via e-mail.

7 THE COURT: All right. That part I get.

8 I'm asking, why do you think that was deemed
9 acceptable instead of some other -- that's my question.
10 It feels like to the Court, right, and I don't know if
11 this is true, like exceptions were made, allowances were
12 made. Do you have any opinion why?

13 THE WITNESS: There's always an urgency to
14 getting somebody in the door.

15 THE COURT: I see. Okay.

16 THE WITNESS: And things are overlooked.

17 THE COURT: Okay. Understood. Thank you.

18 Sorry.

19 MR. DAVIS: That's quite all right.

20 Q. So as part of the orientation of a new
21 employee, is an employee given a number of forms?

22 A. Yes, they are.

23 Q. And are those forms explained?

24 A. Yes.

25 Q. And is one of the important forms called the

1 conflict of interest form?

2 A. Yes, it is.

3 Q. And did Mr. Alrai receive and sign a conflict
4 of interest form?

5 A. He did.

6 Q. And we'll look at that in just a minute.

7 What was the policy of United Way about that
8 form for successive years once a new employee came in?
9 How was that form used and implemented?

10 A. Annually, at about the same time every year,
11 that form is sent out to all employees and board members
12 so that we can collect all of that information. If
13 anyone reports a conflict of interest or a possible
14 conflict of interest, we can collect that form and
15 report it to the audit committee.

16 Q. And why is the information reported to the
17 audit committee?

18 A. It's part of their role in overseeing the
19 function of the organization, and we do it every year
20 because it is that important.

21 Q. Okay. Does every employee sign that form at
22 United Way?

23 A. Yes, they do.

24 Q. And is it sometimes difficult to get employees
25 to sign the forms by the due date?

1 A. Yes.

2 Q. And so do people spend time tracking down
3 employees to get them to sign the form?

4 A. That happens every year.

5 Q. All right. And showing you Government Exhibit
6 618, which is an e-mail involving Diane Coughlin and Mr.
7 Alrai, do you recognize that as an e-mail in the United
8 Way domain between --

9 A. Yes, I do.

10 MR. DAVIS: Your Honor, we move to admit 618
11 and strike the ID.

12 MR. AYER: No objection, your Honor.

13 THE COURT: It's admitted.

14 (Government's Exhibit 609 admitted)

15 Q. And just in the middle, the "Hi, Imran" on
16 March 24th of 2014, what is Ms. Coughlin saying?

17 A. She said, "We still have not received your
18 form. The audit committee meeting is on Wednesday and
19 Pat," that's Pat Latimore, "was hoping to have
20 everyone's forms by then. Is there any way you can
21 e-mail it to me. Diane Coughlin."

22 Q. Okay. And Mr. Alrai said that he will, and
23 the next day he does send the form attached, correct?

24 A. Yes.

25 MR. DAVIS: Can we see the -- is there an

1 attachment to this item? Okay.

2 Q. And that's one of the forms that we'll go
3 through in a minute, correct?

4 A. Correct.

5 Q. Okay. Were there staff meetings at United Way
6 on a regular basis about the conflict of interest form?

7 A. So, yes, we held all-staff meetings about once
8 a month, and during the time of year that the conflict
9 of interest forms were distributed to staff we would
10 have reminders at those meetings. We would also talk
11 about the importance of getting the information in so
12 that there is no appearance of or an actual conflict of
13 interest by our staff.

14 Q. Is there a particular risk that United Way has
15 with respect to conflicts?

16 A. Because United Way relies on its reputation to
17 be able to raise money in the community, it's really
18 important that we not -- that our staff not have
19 conflicts of interest and that we're upfront about any
20 concerns that somebody might have in that area.

21 Q. Okay. And to what extent are employees
22 advised that if they have questions about the form,
23 there are people to answer the questions?

24 A. So at those all-staff meetings and in other
25 kinds of communications we would identify that they

1 could always come to me as the ethics officer. They
2 could go to Pat Latimore since she oversaw this work as
3 well. They had several opportunities to be able to ask
4 their questions.

5 MR. DAVIS: All right. So let's go to
6 Government Exhibit 412, which is a series of forms, and
7 can we look at the --

8 Q. All right. Are these the conflict of interest
9 forms signed by Mr. Alrai?

10 MR. DAVIS: Can we flip through those fairly
11 quickly?

12 A. Yes.

13 Q. Okay.

14 MR. DAVIS: Your Honor, I move to admit 412
15 and strike the identification.

16 MR. AYER: No objection, your Honor.

17 THE COURT: It's admitted.

18 (Government's Exhibit 412 admitted)

19 MR. DAVIS: All right. Let's go to the form
20 in 2013.

21 Q. All right. So this is the form Mr. Alrai
22 signed in March of 2013. Do you see that?

23 A. Yes.

24 Q. Okay. Can you just read, please, the
25 information in A and the note at the top of the form,

1 and maybe we can blow that up. What does it say there?

2 A. Do you want me to read from the top or just
3 the A section?

4 Q. Just the A section.

5 A. Okay. Thank you.

6 "To the best of your knowledge is the United
7 Way of Massachusetts Bay, Inc., engaged in any
8 transaction with any of the following?"

9 "Note: For this purpose a transaction
10 includes the sale, exchange, other transfer or lease of
11 property to or from a related party, loans of money to
12 or from a related party, making an investment in a
13 related party, the furnishing of goods, services or
14 facilities to a related party, or by a related party,
15 for compensation, payment of wages, salary or other
16 compensation to a related party, or the transfer of
17 income or assets to a related party."

18 Q. All right. So that's the basic question on
19 the form, right?

20 A. Right.

21 Q. All right.

22 MR. DAVIS: So can we go back to the --
23 looking at the main form.

24 Q. Now, is there -- can you read the definitions
25 in 1 and 2 first?

1 A. So in number one we're asking if you, the
2 employee, has that kind of conflict, and then there's a
3 yes or no box to check.

4 Q. And what's the reason for the carve-out for
5 other than W-2 and 1099 income?

6 A. Because all employees receive that salary,
7 that's the exception to this question.

8 Q. In other words, that's salary from United Way,
9 correct?

10 A. Correct.

11 Q. Okay. And then what's in 2?

12 A. "Any of your relatives, as follows: A,
13 spouse; B, children; C, grandchildren; D, siblings; E,
14 parents, F, grandparents."

15 Q. Okay. And then let's go to 3. What does
16 section 3 say?

17 A. "Any entity, for profit or nonprofit, that is
18 owned by or controlled by, A, you; B, by any of your
19 relatives as listed above; or C, by any combination of
20 you or your relatives as listed above and individuals,
21 besides yourself, serving as directors, officers or
22 managers of the United Way."

23 Q. And then can you read the note?

24 A. "For the purpose of this question, owned means
25 directly or indirectly holding more than 35 percent of

1 voting membership rights or voting stock in an entity,
2 and controlled means comprising over 35 percent of the
3 directors, trustees or other members of the governing
4 body of an entity."

5 Q. Okay. And let's go to part 4 and part 5.
6 Let's do those together, please.

7 A. "Any entity with which you are associated as
8 an officer, director, trustee, partner, or manager."

9 And No. 5, "Any entity with which any of your
10 relatives, as listed above, is associated as an officer,
11 director, trustee, partner, or manager."

12 Q. And then what does it say you do if you
13 answered yes?

14 A. "If you have answered yes to any of the
15 questions above, please identify the related party in
16 question, state the relationship involved and describe
17 the transaction or transactions involved, including the
18 amount if known."

19 MR. DAVIS: Okay. Let's go to the second
20 page.

21 Q. What is the question in part B?

22 A. "Are you, or is any one or more of your
23 relatives as listed in part A above, associated with any
24 United Way partner or other agency as an officer,
25 director, trustee, partner or manager?"

1 Q. All right. And what is a United Way partner
2 or agency?

3 A. What is it?

4 Q. Yes, what does that encompass?

5 A. Any of the agencies that we grant money to.

6 Q. Right. So that would not encompass vendors to
7 the United Way, correct?

8 A. Correct.

9 Q. So the partners are the people in the
10 community actually receiving --

11 A. That's right. Those agencies that receive
12 grant funding.

13 Q. Okay. And then there's a certification after
14 that, right?

15 A. Yes.

16 Q. Can you read what the employee certifies each
17 year?

18 A. The --

19 THE COURT: He just wants you to read it. Go
20 ahead.

21 A. "I understand that every United Way staff and
22 volunteer is responsible for adhering to the principles
23 and standards of the code of ethics. I am in compliance
24 with the previously mentioned document and recognize
25 that this certification process is mandatory for all

1 United Way staff and volunteers. I also recognize that
2 all United Way staff and volunteers are responsible for
3 reporting without delay to the ethics officer or a
4 member of the audit committee any activities or
5 situations which appear to be in breach of any of the
6 code of ethics."

7 "Furthermore, I hereby certify that I or any
8 related party is in compliance with all applicable
9 anti-terrorist, financing and asset control laws,
10 statutes and executive orders."

11 "By signature below, I acknowledge that I have
12 received and read my personal copy of the United Way's
13 code of ethics."

14 Q. Okay. So -- by the way, when an employee
15 indicates yes and not no to everything -- when you say,
16 yes, I do have a conflict, what happens?

17 A. So that information is collected through this
18 process. That list of possible conflicts is provided to
19 the audit committee. They're responsible for reviewing
20 all of those and determining how serious the conflict
21 may be and either approve that it's allowed or they
22 address the issue with that employee to say you can no
23 longer do this.

24 Q. Okay. And at times are the conflicts actually
25 reported in the form 990?

1 A. I believe they are, yes.

2 Q. Okay. And that can actually be filed with the
3 IRS potentially, that disclosure?

4 A. Yes, I believe so.

5 Q. Okay. And roughly -- if you know, roughly how
6 many potential conflicts went to the audit committee
7 each year?

8 A. I would -- less than ten every year.

9 Q. But some?

10 A. But some. That's right.

11 Q. And if you raise a conflict, you don't
12 necessarily get fired, right?

13 A. That's right.

14 Q. I mean, there are ways to deal with it,
15 correct?

16 A. Yes.

17 Q. All right. So let's look at just these forms
18 quickly.

19 We're looking at the March of 2013 form. You
20 can see -- what does Mr. Alrai answer to all of the
21 questions?

22 A. He has checked off no as the response.

23 Q. All right. And he signed the form on page 2,
24 the next page there?

25 A. Yes, he has.

1 Q. All right. So let's -- so is this form
2 -- this form is now signed in March of 2014, correct?

3 MS. SHEFF: The one we just looked at was '13,
4 I believe.

5 MR. DAVIS: Okay.

6 Q. Sorry. That was 2013. Everything is no,
7 correct?

8 A. Correct.

9 MR. DAVIS: All right. Now let's go to the
10 form in 2014.

11 Q. What has Mr. Alrai checked for that year?

12 A. Also no.

13 Q. And he signed and dated the form it looks like
14 March 24th of 2014?

15 A. Yes.

16 MR. DAVIS: Okay. Let's go to 2015.

17 Q. What does he check in that year?

18 A. No in each box.

19 Q. All right. And going to the signature page,
20 did he sign and date in March of -- this is 2016
21 actually, correct?

22 A. Correct.

23 Q. All right. And let's go to the next form.

24 A. That is the next form, isn't it?

25 Q. Okay. Does this form show -- so the responses

1 in this form are -- you have to read below the word
2 response.

3 MR. DAVIS: Can you circle the top one?

4 Q. You can see no is under response?

5 A. Yes. Correct.

6 Q. And so what did Mr. Alrai answer for this
7 newer form in --

8 A. No. He answered no.

9 MR. DAVIS: Okay. Can we go to the signature
10 page?

11 A. There is no signature page.

12 Q. Okay. Is this an electronic form?

13 A. It is.

14 Q. Okay. And was there a change in the format?

15 A. Yes.

16 Q. All right. And how did that work?

17 A. So we chose to use a different system to
18 distribute the questionnaire and get those responses in
19 to make reporting easier and quicker for all staff, but
20 it's essentially the same request for information.

21 MR. DAVIS: Okay. And is that the last item
22 in the exhibit? Very good. We don't seem to have a
23 form for 2015; is that correct?

24 Q. Do you know whether there was a form in his
25 personnel file?

1 A. I thought all the forms were there. I believe
2 he submitted one each year.

3 Q. All right. So I'll look for that, but it
4 doesn't appear to be in the current exhibit.

5 A. Okay.

6 MR. DAVIS: We didn't do the very first year,
7 which was 2012. Can we go back to that?

8 Q. So this would have been signed very soon after
9 he started work in March of 2012, correct?

10 A. That's right.

11 Q. And what did Mr. Alrai answer on that
12 occasion?

13 A. He checked no in each box.

14 Q. All right.

15 MR. DAVIS: Can we go to the signature page?

16 Q. Is that signed and dated March 16th of 2012?

17 A. Yes.

18 Q. Okay. Thank you. So that's all on conflict
19 of interest forms.

20 Now, Ms. Grady, do you recall being concerned
21 about the relevant spending at United Way on IT versus
22 other departments and other segments of the business?

23 A. Yes.

24 Q. Okay. And what was that concern in general?

25 A. That during a time when we were -- we, as

1 managers of the organization, were asked to cut our
2 budgets, reduce our budgets, and that department was not
3 asked to do the same and I wrote something to that
4 effect.

5 Q. All right. When you say that department, what
6 department do you mean?

7 A. The IT department.

8 Q. All right. Showing you Exhibit 639 for
9 identification, which is dated July 14, 2016, do you
10 recognize that as one of your e-mails at United Way?

11 A. Yes, I do.

12 MR. DAVIS: Your Honor, I move to admit 639
13 and strike the ID.

14 MR. AYER: No objection, your Honor.

15 THE COURT: It's admitted.

16 (Government's Exhibit 639 admitted)

17 Q. All right. So starting at the lower part of
18 the first page, you're writing a Mr. Jeff Hayward?

19 A. Yes.

20 Q. And he is another manager at United Way?

21 A. Yes, he was a senior manager there.

22 Q. Okay. So what did you write to him?

23 A. I wrote, "Did you know that our contract with
24 DigitalNet is now almost a million dollars? Pat told me
25 that yesterday. I asked her if that makes sense for us

1 to pay that much for an organization of essentially
2 let's say 120 people. That doesn't include IT staff,
3 benefits or other expenses, hardware or software
4 purchases. Holy crap, that's a lot of money."

5 Q. Okay. So Mr. Hayward responds, "OMG, and I'm
6 laying people off?" Correct?

7 A. Correct.

8 Q. And then you write him back at the top, right?

9 A. Yes.

10 Q. And can you just read that response?

11 A. "I was horrified by the number and it's not
12 even a complete total expense for that function so just
13 ballpark that total number has to be closer to 1.75
14 million all in out of an operating budget of 13.4
15 million. DigitalNet is the single largest contract we
16 have, and Pat finally called Imran and Jack for
17 purchasing on the carpet for not having a competitive
18 process or a benchmark for that expense. I reminded her
19 that Nancy lost her job. It was unclear if she was too
20 close to that vendor. Pat agreed."

21 Do you want me to keep going?

22 Q. Please.

23 A. "Should it really cost us 15 to 20,000 per
24 employee per year for computers and computer services?
25 1.75 million divided by 120 users equals 15,000. I have

1 no idea but someone should."

2 Q. So in that e-mail, Ms. Grady, when you refer
3 to Jack, who is that?

4 A. Jack Rotondi.

5 Q. And he was in purchasing?

6 A. Yes.

7 Q. And when you refer to Nancy, who is that?

8 A. Nancy Powers.

9 Q. And she was the prior supervisor for Mr.
10 Alrai?

11 A. Correct.

12 Q. Okay. Now, did this concern get raised or go
13 anywhere of yours?

14 A. I had a brief conversation with Pat and then
15 sent this e-mail to Jeff Hayward.

16 Q. Okay. You were aware of an effort being made
17 by Jack Rotondi and Pat Latimore in the summer of '16
18 regarding doing due diligence on contractors, including
19 DigitalNet?

20 A. Yes. That's the reference in there.

21 Q. Okay. And so what was your understanding of
22 what was going on at United Way about that?

23 A. That they would look into comparable expenses
24 to see what a more realistic cost might be.

25 Q. Okay. So Ms. Grady, turning now to 2018, do

1 you recall being advised that a whistleblower had come
2 forward about Mr. Alrai and DigitalNet?

3 A. Yes.

4 Q. Okay. What do you remember about how that
5 began and what happened with you?

6 A. I was called by Rich Voccio and Pat Latimore
7 asking me to come in to see them. I happened to be out
8 for a couple of days, and they asked me to come see
9 them. That's when I was told about the whistleblower
10 coming forward to raise some issues.

11 Q. All right. But what steps did you take
12 thereafter?

13 A. So once I heard the information and was made
14 aware of the whistleblower, I asked to meet with him so
15 I could get the information directly from that person
16 myself.

17 Q. Okay. And was that person Domenic Pallaria?

18 A. Yes.

19 Q. And did you meet with him?

20 A. I did.

21 Q. Okay. And what did you do after that about
22 responding to that whistleblower complaint?

23 A. So one of the first things I did was to call
24 Dorothy Puhly who was the chair of the audit committee.
25 That was my responsibility as the ethics officer to

1 report directly to her.

2 Q. How do you spell Puhy?

3 A. It's P-U-H-Y.

4 Q. Okay. So the audit committee was notified
5 almost immediately?

6 A. Yes.

7 Q. Okay. And what generally did management do
8 after that?

9 A. So there were only a few people who were made
10 aware of the concerns, and one of the things that we did
11 was also contact the audit firm, CBIZ I think is their
12 name --

13 Q. Yes.

14 A. -- so that we could draw on their expertise in
15 investigating what was happening, get more information.

16 Q. Okay. And did you also retain Mr. John
17 Commisso as an attorney?

18 A. Yes.

19 Q. Okay. All right. By June 12th of 2018 was
20 there a plan to confront Mr. Alrai about these concerns?

21 A. Yes, there was.

22 Q. All right. And did you have a role in that
23 planning?

24 A. Yes, I did.

25 Q. And what was your role on June 12th?

1 A. I was responsible for waiting until John
2 Commisso and John Mulvaney had met with Imran Alrai
3 to -- they had information they were trying to collect
4 from him, and once they finished that work it was my
5 responsibility to deliver a letter putting him on
6 suspension.

7 Q. All right. And just to be clear on the
8 record, was Mr. Alrai initially suspended?

9 A. He was put on a leave of absence. It was a
10 paid leave of absence. So, yes, I would call it a
11 suspension, not a termination.

12 Q. Okay. And the date of that suspension was
13 effective was what?

14 A. June 12th.

15 Q. And following that was there another action?

16 A. Yes.

17 Q. And what was that?

18 A. The termination followed two days later.

19 Q. All right. So that was June 14th of 2018?

20 A. Correct. That's right.

21 Q. And was that a letter notification that he was
22 terminated?

23 A. Yes, it was.

24 Q. Okay. Did you have -- did you plan how you
25 were going to present to Mr. Alrai?

1 A. I did.

2 Q. What did you have -- what were you using to do
3 that?

4 A. So I had notes in front of me for that
5 conversation so that I could go through the information
6 that was in the letter and also some additional -- there
7 were additional requirements about turning over his
8 security badge, things like that, but I had notes in
9 front of me to deliver that message.

10 Q. Okay. And who accompanied you when you
11 actually went in and talked to him?

12 A. Pat Latimore.

13 Q. It was just the two of you?

14 A. Correct.

15 Q. And what time of the day was that about?

16 A. It was about 1 o'clock.

17 Q. Okay. Describe what you did and what happened
18 at that meeting.

19 A. Imran was already in the conference room after
20 he had met with the other two. Pat and I went in and
21 sat down. Imran was holding his phone. He held it
22 through most of the meeting and didn't really look up at
23 us. He was looking at his phone through most of that --
24 through most of my message. Pat was responsible for
25 taking notes during the conversation. That's what we

1 were asked to do. There was very little communication
2 between the two of us. Imran didn't say very much.

3 Q. All right. So how did that meeting end?

4 A. Once I had finished delivering the message, we
5 were waiting then for John Commisso, and there were
6 several other people who needed to be ready to escort
7 Imran out of our building. So we just sat and waited
8 for them.

9 Q. And do you recall Mr. Alrai saying anything?

10 A. He and Pat had a brief exchange. I don't
11 remember the specifics.

12 Q. Okay. All right. Now I want to ask you about
13 one other area, and that's the badging system at United
14 Way.

15 A. Yes.

16 Q. Are you familiar with that?

17 A. Yes.

18 Q. And was that system under your supervision as
19 HR head and ethics officer?

20 A. Yes. My benefits and payroll manager was
21 responsible for that system.

22 Q. And what is that person's name?

23 A. Richard Segerstedt.

24 Q. Can you spell Segerstedt, please?

25 A. S-E-G-E-R-S-T-E-D-T.

1 Q. Okay. And so he was benefits and payroll
2 manager?

3 A. That's right.

4 Q. And how long was he at United Way? Do you
5 know, roughly?

6 A. 22 years.

7 Q. And how much of that time did he operate the
8 badge and payroll -- I'm sorry, the badge system at
9 United Way?

10 A. The whole time.

11 Q. The whole time?

12 A. Yeah.

13 Q. All right. Describe the system, if you would.

14 A. The system was used to identify -- actually,
15 let me start over.

16 When new employees started with us, they
17 received security badges that allowed them into the
18 building and into our office. Our office was locked all
19 the time. The building was open during regular business
20 hours, but our office doors were locked all the time.
21 So a person had to use their card to get into our office
22 even when the building was open. The system recorded
23 when people used their cards and at what door they were
24 using them.

25 Q. Okay. So did you have a receptionist at the

1 main entrance?

2 A. We did not, which is why the doors were
3 locked.

4 Q. Okay.

5 A. The last several years we didn't have a
6 receptionist. Before that, we did.

7 Q. Okay. So what would happen if you forgot your
8 card at United Way?

9 A. You would have to call someone who was already
10 in the office to let you in or come in with someone else
11 who was entering the building.

12 Q. Okay. And did the system allow reports so
13 that one could identify when an actual employee, a
14 particular employee badged in and badged out?

15 A. Yes.

16 Q. Okay. And who was responsible for maintaining
17 the system?

18 A. Richard was.

19 Q. Okay. And who was responsible for upgrading
20 it as needed?

21 A. With the help of the company that we paid,
22 Richard was responsible.

23 Q. In other words, the system was installed by a
24 company?

25 A. That's right.

1 Q. And was that company called Infinias?

2 A. I believe that's right, yes.

3 Q. Okay. And did Richard have the ability to add
4 employees onto this system and give them new badge
5 access?

6 A. Yes, or replace badges. Yes, he was.

7 Q. And was he also able to take people off the
8 system to terminate their access?

9 A. He was.

10 Q. And did he do that routinely?

11 A. He did.

12 Q. Okay. And on the day of the suspension on
13 June 12th, did you actually obtain Mr. Alrai's security
14 badge?

15 A. Yes, I did.

16 Q. Okay. So when the -- when this investigation
17 was going on, did you have occasion to request a report
18 from Mr. Segerstedt?

19 A. Yes, I did.

20 Q. And what was the report that you asked for?

21 A. I asked for a report showing when Imran's card
22 was used as far back as the system would provide.

23 Q. Okay. And did the system keep as a regular
24 course of business the entrances and exits of the United
25 Way employees?

1 A. Yes.

2 Q. Okay. I'm showing you Exhibit 407. Do you
3 recognize this event report?

4 A. Yes, I do.

5 Q. And what is that?

6 A. What is it?

7 Q. Yes.

8 A. It shows the dates and times when Imran's card
9 was used, and you can see his name in the fifth column.

10 Q. Okay. And just leafing through, the top date,
11 appears to begin on April of 2015, or sorry, May of
12 2015?

13 A. Yes.

14 Q. And how far up does it go? It goes all the
15 way to June of 2018, correct?

16 A. Yes.

17 MR. DAVIS: Your Honor, I move to admit 407 in
18 evidence.

19 MR. AYER: No objection, your Honor.

20 THE COURT: It's admitted.

21 MR. DAVIS: And strike the ID, please.

22 (Government's Exhibit 407 admitted)

23 No further questions.

24 THE COURT: Thank you. Cross-examination.

25 MR. AYER: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. AYER:

Q. Ms. Grady, hi, my name is Tim Ayer. I'm representing Mr. Alrai in this -- one of the two attorneys representing Mr. Alrai in this case, and I have a few questions for you.

You testified on direct that you had some concerns about the IT budget.

A. Yes.

Q. Do you remember that?

A. Yes.

Q. That you felt that it was too high?

A. Yes.

Q. And especially in the face of other departments having their budgets cut?

A. Correct.

Q. Now, you raised those same concerns when you spoke to the FBI in this case, right?

A. I think so. I don't remember.

Q. What you said was that you also don't really know how that process works and what it should cost, right?

A. Correct.

Q. So while you were concerned about the budget in relation to other department budgets -- would that be

1 your concern?

2 A. Yes.

3 Q. That you didn't have a context to say this is
4 what IT should cost?

5 A. That's right.

6 Q. Or this is what these services should cost?

7 A. Exactly.

8 Q. Or this is what these contracted, I don't want
9 to say employees, but these contractors should cost?

10 A. Right.

11 Q. So you don't know and you didn't know at the
12 time objectively whether this was a reasonable IT budget
13 or not?

14 A. That's right.

15 Q. But what you did know was that before Mr.
16 Alrai was hired the IT department was not in good shape,
17 right?

18 A. Yes.

19 Q. And that there was updating that needed to
20 happen?

21 A. Yes.

22 Q. And that it needed to work better in a lot of
23 ways?

24 A. That's correct.

25 Q. And that was a need that existed before Mr.

1 Alrai was hired?

2 A. Yes.

3 Q. And after Mr. Alrai was hired, that started to
4 get better?

5 A. Correct.

6 Q. And the services that he contracted for and
7 that he provided were effective in remediating those
8 problems?

9 A. So that's not my expertise, but from my own
10 use of the system I would say that's true.

11 Q. Did it work better after he was hired and
12 after his services came?

13 A. Yes.

14 Q. You noted, for example, when they moved the
15 servers, the servers worked better?

16 A. Again, not my expertise.

17 Q. But do you have a memory that when he moved
18 the servers that everything started to work better?

19 A. I'm not sure how to answer that question.

20 Q. Okay.

21 THE COURT: It's really simple. Do you
22 remember that the servers worked better after he moved
23 them or because he moved them or anything like that?

24 THE WITNESS: Not really.

25 THE COURT: There you go.

1 Q. And you gave an interview to the FBI during
2 this investigation, right?

3 A. Yes.

4 Q. And have you reviewed the report that was
5 created based on that interview?

6 A. No.

7 Q. Have you ever seen it?

8 A. I don't think so, no.

9 Q. Okay. I'm going to put a document here
10 hopefully in a way that you can read it.

11 This is the report based on your interview
12 with the FBI.

13 A. Okay. That looks right, yeah.

14 Q. Okay. I'll point you to the paragraph that is
15 in the main part of the screen here, and I'm going to
16 highlight a section about here.

17 In this paragraph it states that, "Grady was
18 also aware that there were servers on-site that were
19 moved by Alrai and things seemed to work better once
20 that happened." Do you see that?

21 A. Yes.

22 Q. So seeing that, would you agree that at least
23 when you gave this interview your belief was when he
24 moved the servers things seemed to work better?

25 A. Yes.

1 Q. You also noted that Mr. Alrai brought in some
2 people to work the help desk, right?

3 A. Yes.

4 Q. He brought in several people?

5 A. Yes.

6 Q. And that those people seemed to be
7 knowledgeable?

8 A. Yes.

9 Q. And that they were responsive?

10 A. Yes.

11 Q. And that they were well liked?

12 A. Yes.

13 Q. And those were all services brought in when
14 Mr. Alrai began his position, right?

15 A. Or just thereafter.

16 Q. They did not exist there before Mr. Alrai did
17 that?

18 A. Those people were not there before he arrived,
19 correct.

20 Q. And then we saw in Exhibit 639 --

21 MR. AYER: And I don't mean to give you
22 direction, but can you please bring up Exhibit 639
23 again? Oh, I'm sorry. I can actually bring up 639.

24 Q. And this is an e-mail regarding your concerns
25 about the budget?

1 A. Correct.

2 Q. And that was in June of 2016?

3 A. Yes.

4 Q. And in this e-mail it's apparent that you were
5 aware of what the budget was?

6 A. Yes.

7 Q. That was not a secret?

8 A. That's correct.

9 Q. And you were able to voice those concerns?

10 A. Yes.

11 Q. And you did voice those concerns?

12 A. Yes.

13 Q. And there were several people that you voiced
14 them to. First of all, this e-mail is to Jeff Hayward?

15 A. Correct.

16 Q. And he was made aware of the potential budget
17 issues?

18 A. Yes.

19 Q. You testified that you also had a conversation
20 with Pat Latimore about that?

21 A. Yes.

22 Q. And you were told that that budget was --
23 well, Jack Rotondi was aware of the budget, correct?

24 A. Yes.

25 Q. And he had approved it?

1 A. That wasn't his role.

2 Q. Okay. I'm sorry. I thought you said on
3 direct that Jack had approved the budget or somehow
4 acquiesced to it.

5 A. Jack's role was to assist. I don't think he
6 had the approval.

7 Q. Okay.

8 A. It was more Pat Latimore's level in the
9 organization.

10 Q. All right. But you're aware that Jack Rotondi
11 was aware of the budget?

12 A. Yes.

13 Q. And that he hadn't raised any significant
14 concerns with it?

15 A. Right. He was the one asked to help review
16 the budget.

17 Q. And there are things that can be done if
18 there's an out of control budget, right?

19 A. Yes.

20 Q. It can be raised to the board?

21 A. Management is responsible for the budget.

22 Q. Okay. And is that something that -- well,
23 when you say management, who is that?

24 A. That's the senior management team of the
25 organization.

1 THE COURT: She's HR.

2 THE WITNESS: Yeah. Exactly. Thank you.

3 THE COURT: I don't mean to cut you off. We
4 got it. We got it. Go ahead.

5 Q. In fact, there had been an IT vendor and an IT
6 person before Mr. Alrai, correct?

7 A. Correct.

8 Q. And they were essentially -- the vendor and
9 the prior person were let go because there were issues
10 and it needed updating?

11 A. Yes.

12 Q. And so that could have happened here, too.

13 A. I'm sorry?

14 Q. That could have happened here, too, in 2016
15 with that e-mail, the budget is out of control, and
16 there could have been changes made if that was
17 considered an issue?

18 A. Yes.

19 Q. Okay. And that essentially in 2016 wasn't
20 done?

21 A. I don't think this is very clear. Could I try
22 to clarify what this was?

23 Q. Yes.

24 THE COURT: You can always answer the question
25 and then you can always explain your answer.

1 THE WITNESS: Okay. All right.

2 A. So this e-mail between Jeff Hayward and myself
3 was really a bit of venting from an HR person who
4 doesn't have an IT background. So my saying I have this
5 information about the budget, we were all -- we, being
6 the management of the organization, we were asked to cut
7 our own budgets and look across the organization and
8 find other places to cut budgets. This was really my
9 venting to my colleague to say, are you aware of these
10 costs, and, you know, the rest of us are asked to cut,
11 and I felt that IT was not asked to make those same
12 cuts. That's really all it is.

13 Q. Okay. And you raised those to people who you
14 thought could address it if need be?

15 A. Yes.

16 Q. Okay.

17 MR. AYER: That's all I have, your Honor.

18 THE COURT: Thank you, counsel.

19 Any redirect?

20 REDIRECT EXAMINATION

21 BY MR. DAVIS:

22 Q. You were asked, Ms. Grady, about what IT
23 should cost, and you made clear that you really didn't
24 know what IT should cost, right?

25 A. Right.

1 Q. Who did United Way have on its staff and
2 payroll that United Way relied on to tell it how much IT
3 should cost?

4 A. Imran Alrai as well as Pat Latimore since he
5 reported to her.

6 MR. DAVIS: No further questions.

7 THE COURT: Any recross?

8 MR. AYER: No, your Honor.

9 THE COURT: Thank you.

10 MS. LE: Your Honor, the government calls
11 Mohamad Kal Wahbe to the stand, please.

12 MOHAMAD KAL WAHBE

13 having been duly sworn, testified as follows:

14 THE CLERK: For the record, please state your
15 full name and spell your last name.

16 THE WITNESS: Mohamad Kal Wahbe. Last name
17 W-A-H-B-E.

18 THE CLERK: Thank you. Please be seated.

19 DIRECT EXAMINATION

20 BY MS. LE:

21 Q. Good morning, sir.

22 A. Good morning.

23 Q. Mr. Wahbe, do you have a nickname?

24 A. Kal.

25 Q. That's spelled K-A-L?

1 A. That's right.

2 Q. Do most of your co-workers call you by Kal?

3 A. That's right.

4 Q. Mr. Wahbe, where do you live?

5 A. Damascus, Syria.

6 Q. And are you enjoying the New England weather?

7 A. Yeah.

8 Q. You say yes, but it doesn't sound like you
9 are.

10 Sir, what do you do for a living?

11 A. A network administrator.

12 Q. Did you receive any specialized training or
13 education to become a network administrator?

14 A. Yep.

15 Q. Tell the Court a little bit about your
16 background.

17 A. I have a bachelor degree in MIS, management
18 information system, and I have some certificates in
19 Cisco and Microsoft.

20 Q. Thank you, sir.

21 At some point did you live in the United
22 States?

23 A. Yes, I did.

24 Q. When did you first move to the United States?

25 A. 1988.

1 Q. Why did you come to the U.S. in 1988?

2 A. For education.

3 Q. Where did you go to school?

4 A. I went to CCRI, Community College of Rhode
5 Island, and then I went to New England Tech and then
6 Johnson and Wales.

7 Q. Are all those schools in Rhode Island?

8 A. Yes.

9 Q. Sir, are you currently employed?

10 A. Yes.

11 Q. By whom are you employed?

12 A. Princess House.

13 Q. What kind of business is the Princess House?

14 A. It's direct sales of kitchenware.

15 Q. Okay. So you have people who sell items to
16 other people without a retail store; is that right?

17 A. Right.

18 Q. Okay. What do you do for the Princess House?

19 A. I am self-employed. So I'm a contractor for
20 them and I take care of their networks.

21 Q. Okay. Are you able to work -- where is
22 Princess House located, by the way?

23 A. Taunton, Massachusetts.

24 Q. Okay. And are you able to work remotely then?

25 A. Yes.

1 Q. Okay. And how much of your time do you work
2 remotely versus being on-site?

3 A. Probably like a hundred percent.

4 Q. Okay. A hundred percent remotely?

5 A. Remotely.

6 Q. Okay. At some point did you work for the
7 Robert Allen Group?

8 A. I did.

9 Q. When did you work for the Robert Allen Group?

10 A. I started with them December 1998.

11 Q. When did you leave Robert Allen Group?

12 A. 2014.

13 Q. So about March 31, 2014?

14 A. Uh-huh.

15 Q. What positions did you hold while you were at
16 the Robert Allen Group?

17 A. A few positions. As an AS/400 systems
18 administrator, LAN-WAN specialist, network manager, and
19 IT director.

20 Q. You used the acronym LAN-WAN. Is that L-A-N
21 dash W-A-N?

22 A. That's right.

23 Q. What does that stand for?

24 A. Local area network and wide area network.

25 Q. Okay. Were you a supervisor while you were at

1 the Robert Allen Group at some point?

2 A. Yes.

3 Q. Okay. When were you a supervisor there?

4 A. Around 2010 -- 2009/2010 time frame.

5 Q. Okay. Sir, do you know Imran Alrai?

6 A. I do.

7 Q. How do you know Mr. Alrai?

8 A. He was my boss at Robert Allen.

9 Q. Okay. When did you first meet him?

10 A. When he was hired by Robert Allen.

11 Q. Okay. And would that have been about 2006?

12 A. Yes.

13 Q. Okay. When Mr. Alrai came on as your
14 supervisor in about 2006, were you working on-site?

15 A. Yes.

16 Q. Okay. And what site location were you working
17 at?

18 A. Foxboro, Massachusetts.

19 Q. Okay. Would you describe your working
20 relationship with Mr. Alrai at the Robert Allen Group?

21 A. It was a great relationship. It was like a --
22 it was professional.

23 Q. Okay. He was a good supervisor to you?

24 A. Yeah, he was.

25 Q. Okay. Now, at some point did you have a

1 family situation that caused you to return to the Middle
2 East?

3 A. That's right.

4 Q. Can you tell the Court a little bit about
5 that?

6 A. Yeah. My father, he had a stroke around 2010,
7 and I had to go back.

8 Q. Okay. Where was your father living at that
9 time?

10 A. Damascus, Syria.

11 Q. Okay. So you went home and took care of your
12 father. Did you come back to work at Robert Allen
13 Group?

14 A. I came back for a while, and then I moved and
15 I started working remotely there.

16 Q. Okay. Did you get permission to work remotely
17 from Syria for the Robert Allen Group?

18 A. Yes.

19 Q. Okay. And did Mr. Alrai help you with getting
20 that approval process through?

21 A. Yes.

22 Q. Okay. So did you always live in Syria during
23 the rest of your employment?

24 A. No. I lived in Syria for a while, and then I
25 moved to UAE.

1 Q. The United Arab Emirates?

2 A. United Arab Emirates.

3 Q. Okay. Did you live in Dubai or in one of the
4 other cities?

5 A. Sharjh.

6 Q. Would you spell that?

7 A. S-H-A-R-J-H.

8 Q. Okay. So when did you live in the UAE?

9 A. When?

10 Q. Yes, sir.

11 A. Around 2012 I moved there, or the end of 2011.

12 Q. 2011 through 2012?

13 A. No. The end of 2011 until recently, 2017.

14 Q. Okay. And since 2017 where have you lived?

15 A. Damascus, Syria.

16 Q. So it sounds like you worked remotely for
17 about four years while you were at the Robert Allen
18 Group. Is that about right?

19 A. Yeah.

20 Q. Okay. Would you travel back from time to time
21 to do work on-site?

22 A. Yeah, I did travel a few times back.

23 Q. Okay. How many times did you make trips back
24 to the U.S.?

25 A. Three or four times.

1 Q. Okay. If I named some dates, would that help
2 refresh your memory a little bit?

3 A. Uh-huh.

4 Q. Did you come back for about two weeks from
5 September 13, 2011, to October 1, 2011?

6 A. Yeah.

7 Q. Okay. How about from May 13, 2012 to June 6,
8 2012, does that sound correct?

9 A. Uh-huh.

10 Q. Say yes or no, please.

11 A. Yes, yes.

12 Q. Thank you.

13 March 17, 2013, to April 13, 2013?

14 A. Yes.

15 Q. Okay. And then February 16, 2014, to March
16 20, 2014, right?

17 A. Yes.

18 Q. And that last trip right before you left
19 Robert Allen Group?

20 A. That's right.

21 Q. Okay. Sir, outside of your job at the Robert
22 Allen Group, did you ever do work for Imran Alrai?

23 A. I did.

24 Q. Okay. Can you tell the Court what kind of
25 work you did for Imran Alrai outside of Robert Allen

1 Group?

2 A. I worked for United Way. He had some work at
3 United Way. I performed the work there.

4 Q. Okay. And was it your understanding you were
5 being hired by United Way or by Imran Alrai?

6 A. No, by Imran Alrai.

7 Q. Okay. And do you remember when that project
8 would have been?

9 A. 2011, '12.

10 Q. 2011 or 2012? You're not quite clear?

11 A. Yeah.

12 Q. What kind of work were you supposed to do?

13 A. To take care -- or actually we did a few
14 projects for United Way and maintenance and support of
15 their networks.

16 Q. Okay. But before there was, like, a contract
17 to do maintenance and network work, was there an IT
18 health assessment? Does that help you?

19 A. Yes.

20 Q. Okay. Was that the first project you did at
21 United Way at the request of Mr. Imran Alrai?

22 A. Yes.

23 Q. Okay. Where were you located when you were
24 working on that project?

25 A. Damascus, Syria.

1 Q. Okay. So how did you know to do work for
2 United Way through Imran? What happened?

3 A. Like how I did it?

4 Q. Yes. How did you do that work?

5 A. There was another person named Aziz.

6 Q. A-Z-I-Z?

7 A. That's right.

8 Q. What is Aziz's last name?

9 A. I don't remember.

10 Q. Okay. Was it one of your former co-workers
11 from Robert Allen?

12 A. Yes.

13 Q. Okay.

14 A. And he was like hands-on for me. He went to
15 United Way, and then I was communicating with him over
16 the phone.

17 Q. Okay. What did you do, though, on your side?

18 A. We scanned the network. We checked out their
19 equipment. We checked, like, performance issues, and we
20 draw the network diagrams and we listed all the
21 equipment they have.

22 Q. Okay. And how long did it take for you and
23 Aziz to do this project?

24 A. Probably like a week, a week and a half.

25 Q. Okay. And did Imran do anything with the work

1 or was he kind of the supervisor telling you what you
2 needed to do?

3 A. He was just like the supervisor.

4 Q. Okay. Now, were you paid to do that IT health
5 assessment for the United Way?

6 A. I think so. I think I got paid for it.

7 Q. But do you remember how much?

8 A. No, honestly.

9 Q. Okay. And when Mr. Alrai asked you to work on
10 that IT health assessment at the United Way, did you
11 know that he had a job at the United Way as well?

12 A. Yes.

13 Q. Okay. How did you know about his job at the
14 United Way?

15 A. I think he told me at that time that he is
16 involved with United Way. Honestly, at that time I
17 wasn't sure if he had, like, a regular job or a contract
18 job or what type of job.

19 Q. Okay. So you understand that there was some
20 kind of arrangement with United Way at that time?

21 A. Yes.

22 Q. And when you did the IT health assessment was
23 he still employed as the CEO at the Robert Allen Group?

24 A. Yes.

25 Q. Okay. And you were still working at the

1 Robert Allen Group, right?

2 A. Right.

3 Q. And he was your supervisor at the Robert Allen
4 Group?

5 A. Right.

6 Q. Did you tell anyone at the Robert Allen Group
7 of Imran's work with the United Way?

8 A. No.

9 Q. Why not?

10 A. I was remote at that time. My communication
11 is, like, you know, with the workers, limited to the
12 work I do, and I didn't feel like, you know, telling
13 anybody this information.

14 Q. Okay. And do you remember how much Imran paid
15 you for that?

16 A. For the health assessment specifically?

17 Q. Yes.

18 A. I don't remember, honestly.

19 Q. A few hundred dollars, a few thousand dollars?

20 A. No, no, it wouldn't be. It would be a few
21 hundred.

22 Q. A few hundred. Okay.

23 Now at some point after the health assessment
24 we just talked about did Imran have a contract to take
25 over the IT services for United Way?

1 A. Yes.

2 Q. Okay. And would Imran be the one doing the
3 work?

4 A. No.

5 Q. Okay. Who was going to do the work?

6 A. I would do the work and Nadeem and Jasmin or
7 Idir at that time, yeah.

8 Q. Okay. And do you know if there was a company
9 that you guys were working for? Who was your employer
10 when you were working at --

11 A. DigitalNet.

12 Q. DigitalNet. Okay. So are you aware of a
13 company called DigitalNet Technology Solutions?

14 A. Yes.

15 Q. Okay. Were you involved in the contracts that
16 were negotiated between DigitalNet and United Way?

17 A. No.

18 Q. Do you recall when DigitalNet basically took
19 over the IT services for United Way?

20 A. Like dates?

21 Q. General dates if you don't remember the
22 precise dates.

23 A. 2012 maybe.

24 Q. Okay. Sometime in 2012? Was it days, months,
25 years after the IT health assessment, if that helps you?

1 A. Oh, no. It would be like a few, couple of
2 months maybe or a little bit more.

3 Q. Okay. And when the contracts were first --
4 when you learned about the contract at DigitalNet,
5 between DigitalNet and United Way, where were you?

6 A. Damascus, Syria.

7 Q. Okay. And did you do work remotely or did you
8 come to Massachusetts as part of the transition?

9 A. I came to Massachusetts as part of the
10 transition.

11 Q. Okay. And so earlier we talked about a trip
12 on May 13, 2012, to June 6, 2012, that you came back?

13 A. That would be it I think.

14 Q. Okay. So you would have been here during that
15 time?

16 A. Uh-huh.

17 Q. Okay. Tell the Court a little bit about how
18 you were involved in the transition from United Way's
19 old IT system to the new system.

20 A. Right. We met with the previous company and
21 they gave us basically the user IDs, the passwords.
22 They told us about the equipment and the design of the
23 network at that time. That's how.

24 Q. Okay. I mean, what exactly was your role in
25 the transition?

1 A. I was like the technical background or the
2 technical person.

3 Q. Okay. And who else was involved in that
4 transition period? Can you name them?

5 A. Nadeem.

6 Q. N-A-D-E-E-M?

7 A. Right.

8 Q. Yousuf?

9 A. Yes.

10 Q. Y-O-U-S-U-F?

11 A. Uh-huh.

12 Q. Who else was involved?

13 A. I think at that time it was just me and
14 Nadeem. I'm not sure if Idir Gherbi was there or if he
15 wasn't hired yet.

16 Q. Okay. So you think definitely Nadeem Yousuf
17 and yourself?

18 A. Yes, definitely Nadeem and myself.

19 Q. Okay. And possibly Idir Gherbi?

20 A. Right.

21 Q. Idir being I-D-I-R?

22 A. That's right.

23 Q. G-H-E-R-B-I?

24 A. Uh-huh.

25 Q. But you're not certain. Okay.

1 And what role did Imran Alrai have during that
2 period?

3 A. He was just supervising in general.

4 Q. Okay. And at this point when you're on-site
5 in Massachusetts -- in Boston, right?

6 A. Yes.

7 Q. At the United Way. Did you have a clear
8 understanding of what Imran Alrai's job was at the
9 United Way?

10 A. Yes.

11 Q. What was that?

12 A. He was vice president or CIO of United Way.

13 Q. So he was an employee?

14 A. Yes.

15 Q. Not just a contractor, right?

16 A. Right.

17 Q. You were a contractor, right?

18 A. Yes.

19 Q. Okay. Now, when DigitalNet first started
20 doing work for United Way during this period of time,
21 are you aware of any other clients that DigitalNet had?

22 A. No.

23 Q. You're not aware or they didn't have any?

24 A. Yeah, I wasn't aware.

25 Q. Okay. So as far as you know, they didn't have

1 any other --

2 A. You're talking about the whole period of
3 the --

4 Q. No, just when you first started going there to
5 United Way.

6 A. Oh, yeah, when I first start. Yeah, not to my
7 knowledge.

8 Q. Not to your knowledge. Okay.

9 Sir, after DigitalNet began to work on those
10 contracts at United Way, taking over the IT system,
11 right -- wait, let me step back.

12 So you were there for about a month, right?

13 A. Uh-huh. Yes.

14 Q. Did you go back to Syria or United Arab
15 Emirates?

16 A. Syria at that time.

17 Q. Okay. And then did you continue to work for
18 DigitalNet?

19 A. Yes.

20 Q. Doing stuff at United Way?

21 A. Uh-huh.

22 Q. And you continued to work for Robert Allen
23 Group, right?

24 A. That's right.

25 Q. Okay. So after DigitalNet began taking over

1 United Way's IT services, did you become aware that
2 DigitalNet received contracts to do work for the Robert
3 Allen Group as well?

4 A. Yes.

5 Q. How did you learn about that?

6 A. By Imran Alrai.

7 Q. Okay. Did he call you, e-mail you, to tell
8 you before you left?

9 A. No, I think it was a talk.

10 Q. Okay. So other than Imran, did anyone else at
11 the Robert Allen Group know that you were doing work for
12 United Way while you were still at the Robert Allen
13 Group?

14 A. No.

15 Q. Did you do any work on behalf of DigitalNet
16 while you were working for Robert Allen Group?

17 A. For Robert Allen?

18 Q. Yes, at Robert Allen Group.

19 A. No.

20 Q. Okay. Let me make that clearer.

21 While you were doing work -- I know you were
22 working for DigitalNet at United Way.

23 A. Right.

24 Q. When you were doing work for Robert Allen
25 Group and DigitalNet had contracts with Robert Allen

1 Group, did you work on those contracts?

2 A. No.

3 Q. Were you ever asked to work on any of those
4 projects that DigitalNet was doing for Robert Allen
5 Group?

6 A. Yeah. I mean, yeah, in the beginning, but I
7 said I don't want to work on a contract, on DigitalNet's
8 contract for Robert Allen.

9 Q. Who did you tell that to?

10 A. Imran.

11 Q. Okay. And what had he asked you to do that
12 made you say you didn't want to work on those contracts?

13 A. It wasn't like he asked me -- it was a phone
14 project and he asked me if I can do the transitions from
15 the old phone system to the new phone systems. And I
16 felt at that time this is like, you know, DigitalNet's
17 responsibility and I don't want to work for Robert Allen
18 and DigitalNet on the same project, and he was fine with
19 it.

20 Q. Go ahead, sir.

21 A. Yeah, he was okay. I told him, like, you
22 know, I don't feel like working for that.

23 Q. Okay. Did you ever tell anybody at the Robert
24 Allen Group about Imran's relationship to DigitalNet
25 once he got those contracts?

1 A. No.

2 Q. Why not?

3 A. Again, I wasn't here, like I wasn't seeing
4 people every single day and so we can talk about it. I
5 was remote and I was doing work for Robert Allen. I was
6 employed, but I wasn't like, you know, it was just doing
7 my work and I didn't feel like telling people.

8 Q. You didn't feel like telling people. Okay.

9 So at some point Imran left the Robert Allen
10 Group, right?

11 A. Right.

12 Q. About September 2013?

13 A. Uh-huh.

14 Q. Okay. Did he tell you that he had left?

15 A. Yes.

16 Q. Okay. What did he tell you?

17 A. He called me. He said he's no longer with
18 Robert Allen Group.

19 Q. Okay. And was his intention to then just work
20 at the United Way and DigitalNet? Did he tell you
21 anything about that?

22 A. He didn't say anything about that.

23 Q. Okay. You left Robert Allen Group in 2014,
24 March 2014?

25 A. Uh-huh.

1 Q. Okay. Did you increase your work commitment
2 to DigitalNet after that?

3 A. I did.

4 Q. Okay. In total, how many years did you work
5 for DigitalNet?

6 A. So we're talking about like I think from 2011
7 to 2017.

8 Q. Or '18?

9 A. '18.

10 Q. Okay. Did you ever have an official job
11 title?

12 A. No.

13 Q. So what was your job then?

14 A. I was doing all their network requirements or
15 network needs for any projects that has to do with the
16 hardware, not the software.

17 Q. Okay. So I know that you worked remotely, but
18 you made trips back and you did work at United Way and
19 DigitalNet, right?

20 A. Yes.

21 Q. Other than the United Way office in Boston,
22 did you go to a physical office for DigitalNet?

23 A. No.

24 Q. Okay. Are you aware of an address that's
25 associated with DigitalNet?

1 A. I'm aware of an address that's on the website
2 of DigitalNet, yeah.

3 Q. The 300 Brickstone in Andover, Massachusetts?

4 A. I believe so.

5 Q. Okay. Did you ever go to that location?

6 A. No.

7 Q. Why not?

8 A. I wasn't asked to go there so I didn't go.

9 Q. Okay. And other than United Way and Robert
10 Allen Group, during your years with DigitalNet did it
11 have any other clients?

12 A. There was a couple of clients, maybe potential
13 clients, but I worked with the Boys & Girls Club.

14 Q. Okay.

15 A. And there was another client at the end that
16 they were requiring to do some type of file server. So
17 we looked for a solution for them, but that's it.

18 Q. So you said -- you kind of clarified. You
19 said potential clients. What does that mean?

20 A. Yeah, because I think it was -- it was just
21 like a health assessment. So when we do that, it
22 doesn't mean like, you know, we have a contract and
23 we're doing the work. We did some work but --

24 Q. It's not like what happened at United Way when
25 you took over and managed the IT system?

1 A. Right. Exactly.

2 Q. Right. So tell me about the Boys & Girls
3 Club. Where was that located?

4 A. Honestly, I'm not sure because -- maybe New
5 Hampshire.

6 Q. Okay. And what year was that?

7 A. I can't tell.

8 Q. And what work did DigitalNet do for the Boys &
9 Girls Club?

10 A. It's like a health assessment.

11 Q. Okay. And did you remote in and do the
12 assessment like you talked about earlier?

13 A. Yeah.

14 Q. Okay. And the other company that you
15 mentioned near the end, where is that company located?

16 A. I am not sure where that company is.

17 Q. And did you remote in and do a health
18 assessment?

19 A. No, it wasn't a health assessment. They were
20 looking for a solution.

21 Q. Okay.

22 A. And I was like -- I was searching for a
23 solution for them.

24 Q. Okay. So it sounds like a bidding for a
25 contract.

1 A. Yes. That's right.

2 Q. Okay. And did DigitalNet get that contract?

3 A. Not to my knowledge.

4 Q. Okay. Have you ever heard of a company called
5 UltPult?

6 A. Yes.

7 Q. Okay. How have you heard about UltPult?

8 A. It was on Imran's Facebook.

9 Q. It was on Imran's Facebook?

10 A. Right.

11 Q. What did you know about UltPult based on your
12 review of Facebook?

13 A. It's a gaming company. They make games for
14 mobile or things like that.

15 Q. And as far as you know, was there any overlap
16 in Imran's gaming company UltPult and DigitalNet?

17 A. I don't know.

18 Q. You don't know.

19 So I would like to talk to you a little bit
20 more about ownership and management of DigitalNet, okay?

21 Who worked at DigitalNet during your four,
22 five, six years there?

23 A. In the states, to my knowledge, there was
24 Nadeem, Idir, and Jasmin.

25 Q. Do you know Jasmin's last name?

1 A. Iqbal.

2 Q. Iqbal, I-Q-B-A-L?

3 A. Yeah.

4 Q. Okay. And where did those folks work?

5 A. United Way in Boston. United Way's office.

6 Q. Okay. They were the help desk folks, right?

7 A. Right.

8 Q. Okay. And then there was you?

9 A. Yes.

10 Q. And then Imran, right?

11 A. That's right.

12 Q. Okay.

13 A. And there was another, like a whole team in
14 Pakistan.

15 Q. Okay. Did you ever meet that whole team in
16 Pakistan?

17 A. Just over the hangout Scoles, yeah.

18 Q. Okay. How many people did you communicate
19 with directly in Pakistan?

20 A. Oh, probably four or five at least.

21 Q. Four or five. Okay.

22 And how would you -- why would you communicate
23 with those folks in Pakistan?

24 A. Well, they are programmers, and they may need
25 something on the hardware side or they may have an issue

1 so that's when we communicate.

2 Q. Okay. I would like to show you some exhibits,
3 all right?

4 MS. LE: I would like Ms. Sheff to pull up
5 Exhibit 613, which has already been admitted, your
6 Honor.

7 THE COURT: Yes.

8 Q. Okay. Sir, these are some e-mails in February
9 12, 2013, to February 28, 2013.

10 Do you recognize Imran Alrai's United Way
11 e-mail address?

12 A. Yes.

13 MS. LE: Okay. And if you can go down to the
14 next e-mail address, the DigitalNet support.

15 Q. Do you recognize that e-mail address?

16 A. Yes, I do.

17 Q. Okay.

18 MS. LE: So let's go to page, the next page,
19 10161. Maybe we can just highlight this section here
20 and bring it forward.

21 Q. You've never seen this e-mail before, right?

22 A. No.

23 Q. Okay. It says, "Hi, Imran. Please find below
24 the information requested. Principals. Can I get the
25 principals, bio, and location?"

1 There are three names listed. Do you see
2 that?

3 A. Uh-huh.

4 Q. M. Ahmad Chaudhary, Ahmad Hassan, Jawad
5 Munawar. Do you see that?

6 A. Uh-huh.

7 THE COURT: Is that a yes or a no?

8 A. Yes. Yes, I do.

9 MS. LE: Thank you, your Honor.

10 THE COURT: No problem.

11 Q. Sir, below each of those names there's a
12 description. Can you just review that information to
13 yourself?

14 A. Okay.

15 (Witness reads document)

16 Q. Okay. During your time working for DigitalNet
17 did you know a Jawad Munawar?

18 A. There was somebody with the name Jawad working
19 in Pakistan.

20 Q. Okay.

21 A. I don't know about the last name, but
22 that's -- I think so. I think Jawad was a person in
23 Pakistan.

24 Q. It says that -- and the Jawad in Pakistan
25 named Munawar, was that the defendant's brother-in-law

1 or brother?

2 A. Oh, I don't know.

3 Q. Okay. So you see it says this person is the
4 CEO and manages the operations in the United Arab
5 Emirates? Do you see that?

6 A. Yes.

7 Q. Okay. The person you knew as Jawad, were they
8 in the UAE?

9 A. No.

10 Q. Where were they located?

11 A. Pakistan.

12 Q. All right. And was that person the CEO of
13 DigitalNet?

14 A. I don't think so. I'm not sure. I mean,
15 based on my communication with him he was -- I think he
16 was on the network side in Pakistan.

17 Q. Okay.

18 A. I'm not sure of his title or what he has
19 there.

20 Q. Okay. The Jawad you're familiar with is
21 somebody in Pakistan and they work on the network side?

22 A. Right.

23 Q. Okay. Do you see there's the middle person,
24 M. Ahmad Chaudhary. Do you see that?

25 A. Yes.

1 Q. And the claim is this person is based in the
2 U.S.?

3 A. Okay.

4 Q. Okay. Did you ever meet an M. Ahmad Chaudhary
5 in the U.S. DigitalNet operations?

6 A. No.

7 Q. Okay. The third name is Ahmad Hassan. Does
8 that name sound familiar to you?

9 A. Ahmad Hassan or somebody with the last name
10 Hassan, we had a few calls one time when I was at United
11 -- at Robert Allen, and someone on the phone as I
12 remember with the last name Hassan, but I'm not sure if
13 this is the same person.

14 Q. Okay. But did you ever talk to a person with
15 the name Ahmad Hassan?

16 A. No.

17 MS. LE: Okay. Let's go to the next page,
18 10162. Let's go to this section here.

19 Q. All right. Sir, do you see the locations
20 listed?

21 A. Yes.

22 Q. For the Americas, U.S. headquarters, there's
23 that 300 Brickstone Square, Suite 201, Andover,
24 Massachusetts, address?

25 A. Yes.

1 Q. Is that the address that you're familiar with
2 as DigitalNet's address?

3 A. The one on the website?

4 Q. Yes.

5 A. I'm not a hundred percent sure.

6 Q. Okay.

7 A. But I think it is Andover.

8 Q. Yes. And did you ever go -- in your years
9 working with DigitalNet, even with your trips coming
10 back, did you ever go to that U.S. headquarters?

11 A. No.

12 Q. Okay. Are you familiar with the Asia
13 location, which is 162 Marghzar Colony in Lahore,
14 Pakistan?

15 A. No.

16 Q. Okay. Are you aware that that's where Imran
17 Alrai's family lives?

18 A. In Lahore?

19 Q. No, that specific address.

20 A. No, no.

21 Q. Okay. And there's a Middle East address which
22 is in Dubai, UAE. Do you see that?

23 A. Yes.

24 Q. Okay. How far are you from Dubai?

25 A. Oh, like half an hour.

1 Q. Okay. Have you been to Dubai?

2 A. Oh, yeah.

3 Q. Do you go there regularly?

4 A. Not regularly, but yeah.

5 Q. Are you familiar with the Discovery Gardens,
6 which is a luxury apartment complex?

7 A. Yes, I'm familiar with them.

8 Q. Okay. As far as you know, does DigitalNet
9 have office space in a luxury apartment complex at the
10 Discovery Gardens in Dubai?

11 A. No.

12 Q. Okay. The next section here says, "Currently
13 there are 23 associates in the U.S., all sales,
14 marketing, HR, data center, infrastructure, Telephony,
15 and related services are housed in the U.S. for all U.S.
16 customers."

17 Do you see that?

18 A. Yes.

19 Q. Is that true? Were there 23 associates
20 working for DigitalNet in the U.S.?

21 A. Not to my knowledge.

22 Q. Okay. As far as you know, how many U.S.
23 associates did DigitalNet have?

24 A. Three.

25 MS. LE: Let's clear this.

1 Q. Sir, did DigitalNet have an account manager as
2 far as you know?

3 A. No.

4 Q. And to your knowledge was there a vice
5 president of business development for DigitalNet?

6 A. No.

7 Q. I would like to show you Exhibit 703. Do you
8 recognize the e-mail addresses up here?

9 A. Yes.

10 Q. Whose e-mail addresses do you recognize?

11 A. This is Ray and Dean. I recognize both of
12 them.

13 Q. Those are people from Robert Allen Group,
14 right?

15 A. Yes.

16 Q. Okay. And do you see the e-mail from October
17 23rd?

18 A. Yes.

19 Q. Where is that e-mail from?

20 A. It looks like it's coming from DigitalNet.

21 MS. LE: Your Honor, at this time the
22 government moves to strike the identification and admit
23 703.

24 MR. AYER: No objection, your Honor.

25 THE COURT: Thank you. It's admitted.

1 (Government's Exhibit 703 admitted)

2 Q. All right, sir, there's the name Mohammad on
3 there, and there's a little bit of information about
4 Mohammad Hassan.

5 A. Okay.

6 Q. Is it possible that the somebody Hassan that
7 you talked about earlier could have been Mohammad
8 Hassan?

9 A. Yeah, it's possible.

10 Q. Okay. So let me just read the e-mail, "Hello,
11 Bob and Ray. Mac has asked me to send you our contact
12 information. I am sorry that for some reason I thought
13 you already had it. I apologize sincerely. Mohammad
14 Hassan, account manager. I am responsible for the
15 entire relationship between our two organizations. I am
16 your champion and advocate here at DigitalNet. My phone
17 is 978-296-7944, extension 1002. This is the best
18 e-mail address to reach me."

19 Do you see that?

20 A. Yes.

21 Q. So when you were working for DigitalNet did
22 you know about this account manager named Mohammad
23 Hassan?

24 A. No.

25 Q. Do you see that 978 extension number?

1 A. Yes.

2 Q. Is that a U.S. telephone number?

3 A. Yeah, it looks like it.

4 Q. A Massachusetts number, right?

5 A. Uh-huh.

6 Q. Okay. Do you know a person named Mac

7 Chaudhary?

8 A. No.

9 Q. Okay. And you see it says, "Mac Chaudhary, VP
10 of business development. Mac oversees our business
11 development and I report to him. His phone number is
12 978-296-7944, extension 1001."

13 Do you see that?

14 A. Yes.

15 Q. Okay. So during your time did you know a Mac
16 Chaudhary who was the VP of business development for
17 DigitalNet?

18 A. No.

19 Q. Okay. And likewise, that's a U.S. phone
20 number, right?

21 A. Right.

22 Q. A Massachusetts phone number; am I right?

23 A. Yes.

24 Q. Okay. Sir, did you ever meet Imran Alrai's
25 father?

1 A. No.

2 Q. Would it surprise you that Imran Alrai's
3 father is apparently the VP of business development for
4 DigitalNet?

5 A. Yeah.

6 Q. Okay. Did Imran ever tell you anything about
7 his dad?

8 A. Yeah.

9 Q. What did he tell you about his dad?

10 A. That he is a retired doctor.

11 Q. Okay. Did you ever talk about Imran Alrai's
12 father having IT expertise?

13 A. No.

14 THE COURT: We'll take the morning break.

15 MS. LE: Thank you, your Honor.

16 (RECESS)

17 THE COURT: All right. Sir, you're still
18 under oath. Please proceed.

19 MS. LE: Thank you, your Honor.

20 Q. Mr. Wahbe, when you were working at the United
21 Way for DigitalNet, did you have a United Way e-mail or
22 a DigitalNet e-mail?

23 A. A DigitalNet e-mail.

24 Q. Okay. How about Imran, did he have a United
25 Way e-mail or a DigitalNet e-mail?

1 A. Both.

2 Q. Both. Okay.

3 MS. LE: Ms. Sheff, can you pull up Exhibit
4 620.

5 Do you have any objections to this exhibit
6 or should I go through --

7 MR. HARRINGTON: No objection.

8 MS. LE: Your Honor, this has been admitted
9 with the consent of counsel, so can we strike the
10 identification?

11 THE COURT: Yes. It's admitted.

12 (Government's Exhibit 620 admitted)

13 Q. Sir, let's start up here. Who sent the
14 e-mail?

15 A. That's me.

16 Q. Kal Wahbe, right?

17 A. Yes.

18 Q. And your e-mail address is
19 kal.wahbe@digitalnet.com; is that right?

20 A. That's right.

21 Q. Okay. Who did you send the e-mail to?

22 A. I sent it to IT service desk and to Imran.

23 Q. Okay. The IT service desk e-mail address,
24 that's a United Way e-mail address?

25 A. That's right.

1 Q. So who's the recipient, if you remember?

2 A. This would be Nadeem and Jasmin.

3 Q. Okay. So Nadeem and Jasmin had a United Way
4 e-mail address?

5 A. I'm not sure if they had a United Way, but
6 they had this IT service desk. They would receive
7 e-mails on it.

8 Q. Okay. That makes sense. And then you also
9 sent it to Imran Alrai, right?

10 A. Yes.

11 Q. And the e-mail address that you used is
12 imran.alrai@digitalnet.com?

13 A. That's right.

14 Q. Okay. So when you were communicating with
15 Imran by e-mail, when would you use the DigitalNet
16 e-mail address and when would you use his United Way
17 e-mail address?

18 A. I would use his DigitalNet e-mail when it's
19 matters regarding DigitalNet.

20 Q. Okay.

21 A. And the other e-mail if it's related to the
22 United Way.

23 Q. But isn't this e-mail about the United Way?
24 You can read it to yourself.

25 A. Right, it is. It could be by accident I sent

1 it to DigitalNet instead of the United Way.

2 Q. Okay. But you distinguished a little while
3 ago between when it's DigitalNet business versus United
4 Way business.

5 A. Right. Yes.

6 Q. So in your mind what is United Way business
7 that you would communicate with Imran on his United Way
8 e-mail address?

9 A. Right. Like, for example, this should have
10 been done on the United Way e-mail.

11 Q. Okay. And when would you e-mail him about
12 DigitalNet stuff on his DigitalNet e-mail address?

13 A. Probably like if I wanted to take time off.

14 Q. All right. That makes sense. Let's see.

15 MS. LE: Can we go to the second page, Ms.
16 Sheff?

17 So who is this e-mail from, the first e-mail
18 here?

19 A. That's me.

20 Q. That's to you, right?

21 A. That's to me, yes.

22 Q. Okay. Imran is cc'd?

23 A. Yes.

24 Q. And it's from whom?

25 A. From Nadeem.

1 Q. It says here, "Kal, Dom just informed that GP
2 is crashing and giving disk full error. Can you please
3 take a look into it and talk to CloudConnect about it.
4 We might need to add more storage."

5 A. Okay.

6 Q. Who is Dom?

7 A. I have no idea. It sounds like a user in
8 United Way.

9 Q. Okay. And what is GP?

10 A. That's a system they used at United Way.

11 Q. What does it stand for?

12 A. I forgot what it stands for, but it's a
13 system, like it's a software they use.

14 Q. Okay. And disk full error, what does that
15 mean?

16 A. As it says here, it's like the server has a
17 disk full error, like the disk is almost full.

18 Q. Meaning there wasn't sufficient memory?

19 A. Or disk space.

20 Q. Or disk space. So how does one fix that
21 problem?

22 A. Well, first of all, we need to know if it's a
23 disk full error because we need more disk or just a
24 matter of we need to clean it out or we need to add more
25 disk.

1 Q. Okay. And so Nadeem asked you to look into
2 it. How would you look into this issue?

3 A. I would log into the server and troubleshoot
4 the problem.

5 Q. Okay. And it also suggests that you talk to
6 CloudConnect. Who is CloudConnect?

7 A. CloudConnect is the provider for -- the cloud
8 provider that -- we hosted the servers and the desktops
9 with them.

10 Q. Okay. So that's a vendor that DigitalNet
11 worked with in order to provide the cloud service?

12 A. Uh-huh.

13 Q. At least in 2014?

14 A. Yes.

15 Q. And it says, "We might need to add more
16 storage." What does that mean?

17 A. We need to add more disk space to the server.

18 Q. Okay. How does one do that?

19 A. They would have to allocate disk space to us,
20 and then I would go into the server and go through the
21 process of adding the disk space.

22 Q. Who would be giving you more disk space?

23 A. CloudConnect.

24 Q. Okay. And so you talked to the vendor and
25 then you go and type and you add more disk space. Easy

1 like that?

2 A. Right. Yes.

3 Q. Okay. Adding more disk space, does it cost
4 more money or no?

5 A. Yeah, sure. Definitely.

6 Q. All right. Does this happen a lot or is this
7 kind of unusual?

8 A. No, it's not unusual. It does happen.

9 Q. Okay. While you were at the United Way did
10 this GP system crash and did you have to add more -- I
11 mean troubleshoot?

12 A. Like so many times?

13 Q. Yeah.

14 A. I don't think so. I mean, honestly I'm not
15 sure how many times, but there were so many systems they
16 have. So GP is one of them.

17 Q. Okay. And were you involved in rebooting the
18 servers every evening?

19 A. Every evening?

20 Q. Yes.

21 A. No.

22 Q. Okay. Did you reboot servers?

23 A. We rebooted the servers. We had maintenance
24 windows to reboot the servers and we rebooted if we need
25 to. Like some servers we had some issues during certain

1 times where we had to reboot them every night.

2 Q. Oh, tell me about that.

3 A. I remember, like, one server was the printing
4 server, and we had some issues with it every morning.
5 So as a temporary fix, we would go and reboot the server
6 every morning. It could be me, that I was rebooting,
7 because I am on different time zones, so yeah.

8 Q. Right. So how long did this go on for that
9 you had to reboot every single night?

10 A. No, not every single server. Again, it's just
11 specific servers if we have issues with them, yes.

12 Q. Okay. But it sounds like there was one server
13 that you had to reboot every night?

14 A. Yeah, I remember now. It was one specific
15 server we had some issues with, yes.

16 Q. Sir, is it possible that the word GP here is
17 Great Plains?

18 A. Yes.

19 Q. Okay. And are you aware that Great Plains was
20 the financial platform that United Way used?

21 A. Yes, yes.

22 Q. Okay.

23 MS. LE: Can we clear out of this, Ms. Sheff?

24 Q. So going back, there was one server that you
25 had a problem with and for a period of time you had to

1 go back and reboot every night or very early in the
2 morning, right?

3 A. Right.

4 Q. And what was the name of that?

5 A. That's the print server.

6 Q. The print server. And how long did that go on
7 that you had to reboot every night?

8 A. Honestly, I'm not sure. A month maybe or so.

9 Q. Okay.

10 A. And we could have been -- we could have put it
11 on a schedule to be rebooted automatically.

12 Q. You for a while had to manually reboot it?

13 A. Just to make sure it's happening.

14 Q. Okay. Let's go back a little bit and talk
15 more about the management and ownership of DigitalNet,
16 okay?

17 A. Okay.

18 Q. So who hired you to work for DigitalNet?

19 A. Imran.

20 Q. Okay. And were you involved in the hiring of
21 anyone else?

22 A. Yes.

23 Q. Who were you involved in hiring?

24 A. Jasmin and Idir.

25 Q. Okay. Were you involved in the hiring of

1 personnel in Pakistan?

2 A. No. Um, no.

3 Q. Okay. Who made decisions about hiring at
4 DigitalNet as far as you know?

5 A. Imran.

6 Q. Earlier you mentioned sometimes you would
7 e-mail Imran at his DigitalNet account when you needed
8 time off, that kind of thing. Did the other DigitalNet
9 employees do the same thing if you know?

10 A. I am not sure. I'm assuming yes, but I'm not
11 sure.

12 Q. Okay. And as far as you know, who managed
13 DigitalNet?

14 A. Imran.

15 Q. Did you ever have a situation with Imran where
16 you asked him something and he said let me check with my
17 supervisors?

18 A. No.

19 Q. Let me check with one of the other managers?

20 A. No.

21 Q. Okay. As far as you know, who was the boss at
22 DigitalNet?

23 A. Imran.

24 Q. Did you ever -- when you came on, did you ever
25 have salary negotiations?

1 A. Yeah.

2 Q. Okay. Who did you negotiate your salary with?

3 A. Imran.

4 Q. Okay. And did you ever talk about increase of
5 pay or anything like that?

6 A. Yeah, I did.

7 Q. And who was that with?

8 A. With Imran.

9 Q. Okay. So when you first started you said you
10 made a few hundred bucks maybe for that health
11 assessment. Okay. And while you were still working at
12 Robert Allen Group and DigitalNet were you getting paid
13 for that work by Imran?

14 A. Yes.

15 Q. Okay. How much were you being paid by Imran
16 then?

17 A. I think at the beginning I was getting like
18 \$500 a week.

19 Q. So about 2,000 a month?

20 A. I think so.

21 Q. So that's on top of your salary at Robert
22 Allen Group?

23 A. Yes.

24 Q. Okay. And after you left Robert Allen Group
25 did your salary change for DigitalNet?

1 A. Yes.

2 Q. Okay. And what was your salary when you first
3 started at DigitalNet?

4 A. Either 50,000 or 55,000.

5 Q. Did you ever get a salary increase, a raise or
6 a bonus or anything like that from DigitalNet?

7 A. No.

8 Q. No. At some point did your -- I mean, over
9 the years has your working relationship with DigitalNet
10 changed?

11 A. Yeah, after that it changed back again to
12 part-time.

13 Q. With DigitalNet?

14 A. With DigitalNet, yes.

15 Q. When did that happen?

16 A. I'm not sure. It could be 2014.

17 Q. 2014, maybe even 2015?

18 A. Yeah.

19 Q. Okay. What happened around that time?

20 A. I got a job in Khatar.

21 Q. Okay.

22 A. So I ask Imran if I can, you know, work after
23 hours, you know, after 5 o'clock my local time there,
24 and he said, yes, for a couple hours a night.

25 Q. Okay. So the job in Khatar that you got in

1 2014 or 2015, was that supposed to be a full-time job?

2 A. Yes.

3 Q. Okay. And did you report somewhere?

4 A. Yeah.

5 Q. Okay. So what were your working hours when
6 you worked for that company in Khatar?

7 A. 8 to 5.

8 Q. 8 to 5 your local time?

9 A. Uh-huh.

10 Q. What's the time difference between the UAE and
11 Boston?

12 A. Seven.

13 Q. Seven hours?

14 A. Seven hours.

15 Q. Okay. And so once you got that job, that
16 full-time job in Khatar, what was your arrangement with
17 Imran for DigitalNet work at United Way?

18 A. It was like I should be available for two
19 hours, from 11:00 to 1:00 Eastern time.

20 Q. 11:00 to 1:00 a.m. or p.m.?

21 A. 11:00 a.m. to 1:00 p.m.

22 Q. And that's Eastern time?

23 A. Eastern time.

24 Q. Okay. What time was that in Syria then -- I
25 mean, in UAE then?

1 A. That was, like, I think around 5 or 6 o'clock
2 in the afternoon.

3 Q. Okay. So just two hours you were working?

4 A. Just two hours. And if they need me in
5 emergency, I should be available.

6 Q. Okay. And how long did that go for?

7 A. That went on for -- that arrangement with
8 DigitalNet?

9 Q. Yes.

10 A. That went on for two to three years.

11 Q. Two to three years. So for two to three years
12 you were only working about two to three hours a week
13 for United Way?

14 A. A day.

15 Q. A day?

16 A. Yes.

17 Q. Okay. And did your salary change?

18 A. Yeah, it went down to 35,000.

19 Q. Okay. How long did you keep that full-time
20 job in Khatar?

21 A. It wasn't for long. For probably like three
22 months, two months.

23 Q. Okay. But you continued this arrangement
24 with --

25 A. I continued this arrangement with DigitalNet

1 hoping, like, I will find a permanent job there, like a
2 full-time, so I will keep -- I don't have to go back and
3 change back and forth.

4 Q. Okay. So did you have other jobs?

5 A. No.

6 Q. Okay. You had other consulting work then?

7 A. Yeah, I had some consulting work here with
8 Princess House at that time.

9 Q. Okay. So for three years you were doing two
10 to three hours a day for DigitalNet at United Way?

11 A. That's right.

12 Q. From 11:00 a.m. to 1:00 p.m. Eastern time?

13 A. Uh-huh.

14 Q. Okay. Did you come back full-time?

15 A. I did.

16 Q. At DigitalNet?

17 A. Yes.

18 Q. When was that?

19 A. I think that's around February of 2018.

20 Q. Okay. All right. February 2018 you came
21 back. Who did you talk to about getting your job back?

22 A. Imran.

23 Q. Okay. And he agreed?

24 A. Yeah.

25 Q. Did you get your full salary back, too?

1 A. Almost, yeah.

2 Q. Almost. Tell me what you got paid.

3 A. I got 50,000.

4 Q. Okay. All right. Now I want to direct your
5 attention to the events of June 12, 2018. Do you
6 remember that day?

7 A. Yes.

8 Q. Okay. Where were you?

9 A. In Damascus, Syria.

10 Q. Okay. Did you find out about some stuff
11 happening between United Way and DigitalNet?

12 A. Yes.

13 Q. Okay. How did you learn about those events?

14 A. Well, I had a problem logging into the systems
15 that day so, you know, I was surprised. I tried to call
16 Nadeem, call Jasmin, and no answer. So finally I got in
17 contact with Imran, and he said that DigitalNet is no
18 longer, you know, doing work or something to that
19 effect.

20 Q. Okay.

21 A. For United Way.

22 Q. Do you remember when you talked to Imran?

23 A. I don't remember honestly, but maybe it was
24 even a message, it wasn't, you know, direct talk. It
25 was just a message. He said, like, Nadeem and Jasmin,

1 they are okay, but we're not doing any work for United
2 Way.

3 Q. Did you talk to anyone else at DigitalNet
4 about what happened that day?

5 A. I did talk to Nadeem afterward, yes.

6 Q. Okay. What was your reaction when you found
7 out that there was no longer any work between United Way
8 and DigitalNet?

9 A. I mean, like, what do you mean?

10 Q. I mean, you couldn't get in touch with your
11 co-workers. You thought that was weird.

12 A. Right.

13 Q. You couldn't log on to the system.

14 A. Right.

15 Q. You finally get in touch with Imran and he
16 says there's no more?

17 A. Right.

18 Q. I mean, that's your job. What was your
19 reaction?

20 A. I mean, I was surprised.

21 Q. Okay. Why?

22 A. To see what's happening, you know, like all
23 the sudden everything shuts down that way. It's weird.

24 Q. Did Imran ever talk to you later about what
25 happened?

1 A. I think he did. I think, yep, he did talk to
2 me about it, yep.

3 Q. Okay. Just a few more questions.

4 A. Sure.

5 Q. So earlier we talked about an e-mail address,
6 info@digitalnet.us. Do you remember that?

7 A. Yes.

8 Q. Do you know who used that e-mail address?

9 A. I don't know exactly. Like, I'm not sure who
10 specifically used it.

11 Q. Okay. Were there multiple people who used
12 that e-mail address?

13 A. There was no multiple people. Like, the only
14 person I know is Imran Alrai in the company.

15 Q. Who used that e-mail address?

16 A. It could be him.

17 Q. Okay. Did you ever use that e-mail address?

18 A. No.

19 Q. How about Nadeem?

20 A. I don't think so.

21 Q. How about Jasmin?

22 A. I don't think so.

23 Q. How about Idir?

24 A. No.

25 Q. Were you involved in, like, preparing invoices

1 from DigitalNet to United Way?

2 A. No.

3 Q. Okay. Did you ever send invoices from
4 DigitalNet to United Way?

5 A. No.

6 Q. Okay. Did you ever use the name Mohammad in
7 any e-mails, like, did you claim to be Mohammad in any
8 e-mails?

9 A. No.

10 Q. How about Mac Chaudhary?

11 A. No.

12 MS. LE: No further questions, your Honor.

13 We tender the witness.

14 THE COURT: Cross.

15 CROSS-EXAMINATION

16 BY MR. HARRINGTON:

17 Q. Good morning, Mr. Wahbe.

18 A. Good morning.

19 Q. How are you today, sir?

20 A. Okay.

21 Q. Let me ask you, Mr. Wahbe, I'm going to talk
22 to you a little bit about your work for DigitalNet as it
23 relates to United Way, okay?

24 A. Okay.

25 Q. Let me ask you, do you feel that you did good

1 work for DigitalNet in providing services to the United
2 Way?

3 A. Absolutely.

4 Q. Okay. I want to ask you a few questions in
5 that regard and in particular about a couple of specific
6 issues.

7 You had said that your job -- although you
8 didn't have a title, you were a network person; is that
9 right?

10 A. Right, right.

11 Q. And if you could, can you explain to me, and
12 the Judge more particularly, being a network person,
13 what is the service that you're providing as a network
14 person.

15 A. Okay. Any projects related to the network,
16 whether new servers we need to put in or we need to put
17 in a new circuit, create a new network, securing the
18 network, this all comes to me and I will basically run
19 with it or do it.

20 Q. So you would complete the task and the job?

21 A. Yes.

22 Q. Relative to those issues?

23 A. Yes.

24 Q. Okay. Would that also include things like
25 making sure that there was adequate backup for the

1 system?

2 A. Yes.

3 Q. Okay. And as part of this process, would you
4 also agree that -- you had just mentioned making sure
5 the network was secure. So you would want to make sure
6 that you had adequate security in place for this network
7 as well, right?

8 A. Yes.

9 Q. Okay. Let me ask you about a subject, a thing
10 called redundancy. Is that a term that you're familiar
11 with?

12 A. Yes.

13 Q. Can you explain to the Judge, what does
14 redundancy mean?

15 A. It means that you don't have one point of
16 failure on the network so you will have -- instead of
17 having one circuit, you will have two circuits. If one
18 is down, the other one will pick up. If you have one
19 environment, you will have two environments. This way
20 you would have redundancy.

21 Q. Okay. And so in layman's terms, it's really
22 kind of like trying to have two of everything in case
23 one of them goes down?

24 A. Almost, yes.

25 Q. Okay. Now, let me ask you about, with those

1 things in mind, security, redundancy, and backup, those
2 three topics, in regard to the services that you
3 provided to the United Way via DigitalNet. Do you
4 believe that you had provided adequate security measures
5 for the IT network at the United Way?

6 A. Yep. Yes.

7 Q. What did you do to make sure that you had
8 adequate security provided to the United Way?

9 A. We had firewalls on the main locations, and so
10 all the networks, all the entry and exit points, they
11 are secured with firewalls, and we had Symantec
12 anti-viruses running, things like that.

13 Q. Okay. And in that regard, is part of the
14 security -- if there are updates to software, things of
15 that nature, is that part of the security process?

16 A. Sure, yeah.

17 Q. Okay. And were those services provided to the
18 United Way through DigitalNet?

19 A. Yes. Definitely, yeah.

20 Q. Okay. Likewise, you had mentioned kind of
21 virus updates.

22 A. Yes, virus updates, operating systems updates,
23 yeah.

24 Q. And let me talk to you about that briefly.
25 Operating systems. Again, kind of treating me like the

1 novice that I am.

2 A. Okay.

3 Q. Give a few examples of what an operating
4 system might be.

5 A. Like Windows 7, Windows 10 for the PC, servers
6 will be maybe, you know, Windows 2012, Windows 2016, so
7 that's the operating system that runs on the server and
8 runs on the PC.

9 Q. And how would updates to those systems be
10 conducted?

11 A. Well, basically the updates, they're going to
12 come from Microsoft, but we have to manage the updates
13 because some updates can affect the system in a bad way.
14 So we run some tests on the network to make sure and
15 then we push the updates to the clients, to the servers
16 and the PCs.

17 Q. And do you try to do that at particular times?

18 A. Oh, yeah. We have to do it off hours.

19 Q. Okay. And was that done in your time with the
20 United Way as a worker for DigitalNet?

21 A. Oh, yeah.

22 Q. Okay. Let me ask you in regard to redundancy.
23 Had DigitalNet and the services that they provided to
24 the United Way created redundancy in the system?

25 A. Yep.

1 Q. Can you explain how that was done?

2 A. We had multiple circuits going into the
3 buildings from different vendors in the different
4 location that United Way had. This way if one circuit
5 goes down, the other circuit will pick up, and they will
6 not lose communication, especially at certain times when
7 they had their phone systems in the cloud. So we had to
8 make sure everything is redundant.

9 Q. Okay. And you had indicated that that was
10 done for all of the United Way locations?

11 A. I remember it was done definitely for Boston
12 and seacoast. I think even for Lowell.

13 Q. Okay. Let me ask you in regard to backups and
14 the backup of data, was there a system in place relative
15 to data backups for the United Way that was provided by
16 DigitalNet?

17 A. Yes.

18 Q. Could you explain that to the Judge?

19 A. We had a system that we backed up the file
20 systems to it. We were on a schedule to backup the
21 data.

22 Q. Okay. And where was that data being backed up
23 to, because again, correct me if I'm wrong, there are
24 servers that they would get backed up to, right, like,
25 and those could be an actual, something that's on-site

1 at United Way, but there's also backup to the cloud
2 that's another way it can be backed up.

3 A. Right.

4 Q. How was the process at the United Way relative
5 to backup?

6 A. Definitely we had a local backup, like we were
7 backing up to hardware on the premise, and I think we
8 backed up to the cloud, but I'm not a hundred percent
9 sure. It's been a while.

10 Q. Okay. For example, there was a company called
11 CloudConnect, right?

12 A. Yes, sir.

13 Q. That was used by DigitalNet?

14 A. Yes.

15 Q. Okay. And CloudConnect, is that a provider
16 basically of kind of space, if you will?

17 A. Uh-huh.

18 Q. For DigitalNet; is that correct?

19 A. Yes.

20 Q. Okay. And does CloudConnect, would that be
21 one of the areas in which a backup could be utilized?

22 A. Sure. Oh, yeah.

23 Q. Okay. And are you familiar with a company
24 called OVH?

25 A. Is that the company that they changed their

1 name after?

2 Q. Uh-huh.

3 A. Yeah.

4 Q. And is that another kind of, like, off-site
5 area where backups can be made?

6 A. Yes.

7 Q. Okay. And were you aware that through your
8 employment, as the kind of network person, that these
9 backup systems were in place for the United Way?

10 A. Yes.

11 Q. Let me ask you -- as a network administrator,
12 I would assume that you would have a kind of basic
13 documentation about the network and infrastructure, kind
14 of like diagrams, those types of things?

15 A. Yes.

16 Q. Okay. And would those be provided or held on
17 the system? Where would that information be located for
18 the United Way, you know, since you're working remotely?

19 A. Honestly, mostly was like I would have a copy
20 and probably I would send it to Imran or Nadeem.

21 Q. Okay. And does the system itself have
22 information relative to the network? Like if you logged
23 on to the system, does that also contain information
24 relative to the network structure?

25 A. You can pull information from the system about

1 the network. Like you can -- yeah, I guess. I mean,
2 the question is --

3 Q. Yeah, go ahead and explain, please.

4 A. Like, if you want to find out about the
5 networks from one system, yes, you can.

6 Q. So you could log in to the system and you
7 would be able to visualize and see the networks?

8 A. Yes, you can.

9 Q. And that's something that if somebody has
10 credentials to log into the system, they would be able
11 to go in and figure out the network structure?

12 A. Yes, absolutely.

13 Q. Okay. So I'm going to switch gears for a
14 minute. We'll probably come back to a couple of topics
15 that we were just talking about, but I want to switch
16 gears a little bit.

17 You are familiar with Patricia Latimore?

18 A. Yes.

19 Q. Okay. Did you ever meet her outside of the
20 United Way?

21 A. No.

22 Q. Okay. Did you ever meet Patricia Latimore
23 with a person named Mac?

24 A. No.

25 Q. Or M. Chaudhary?

1 A. No.

2 Q. Okay. I want to ask you a little bit about
3 your work at the Robert Allen Group.

4 A. Sure.

5 Q. What was your -- what were you in charge of at
6 the Robert Allen Group in your time there?

7 A. Well, like from the beginning or just the end?

8 Q. Why don't we talk more towards the end.

9 A. Towards the end I was responsible, same thing,
10 for the network and their phone infrastructure.

11 Q. Okay. And let me ask you about the phone a
12 little bit.

13 Did the phone system there have appropriate
14 bandwidth?

15 A. Appropriate bandwidth?

16 Q. And let me ask it to you this way, it will be
17 a more specific question. During your time there at the
18 end -- and by the end, why don't we kind of put a
19 general date on that so the Judge is aware. What time
20 frame are we talking about when you say towards the end?

21 A. The last year or two years.

22 Q. Okay. So is that 2013, 2014?

23 A. Yeah, and before. Maybe 2012, too.

24 Q. Okay. So let's kind of bracket that 2012 to
25 2014, and that's where you would be kind of network

1 administrator and the Telephony system?

2 A. Yes.

3 Q. So let's talk about that time frame. During
4 that time frame how would you characterize the quality
5 of the telephone system?

6 A. Well, they had -- specifically in the
7 showrooms -- they had showrooms there. Specifically in
8 the showrooms they had very old systems using old
9 technologies, not taking advantage of, you know, the new
10 technology out there, and the maintenance was tough on
11 those systems.

12 Q. Okay. Now, were you there when the DigitalNet
13 phone system kind of transitioned?

14 A. Yes.

15 Q. Okay. And after that phone system
16 transitioned in, how would you characterize the quality
17 of the phone systems at that point in time?

18 A. I think DigitalNet only performed a couple of
19 transitions for a couple of showrooms. It wasn't like,
20 you know, the whole network. But based on what I
21 remember, it was good experience. They didn't have, you
22 know, big issues.

23 Q. Okay. And, for example, relative to the
24 systems that we're talking about for those few
25 showrooms, were there complaints that calls were being

1 dropped?

2 A. I don't recall, honestly.

3 Q. Okay.

4 A. But it could be at the beginning of the
5 project. It wasn't for long they had the systems.

6 Q. Sure. And would you agree with me that as the
7 network administrator and the person kind of responsible
8 for the Telephony system you would have been the person
9 that ultimately would have heard of complaints about the
10 system? Is that fair to say?

11 A. Yeah, it would come to me.

12 Q. Okay. And is it fair to say that you're
13 telling the Judge that you really don't have a
14 recollection of any complaints being forwarded to you
15 relative to the phone systems?

16 A. I'm trying to remember honestly at this point.
17 I just want to give you an honest answer.

18 Q. Yeah, and that's all I ask. If you don't
19 remember, say you don't remember.

20 A. I don't remember. I don't remember.

21 Q. Fair enough. So let me ask you a little bit
22 about -- who was your immediate supervisor at Robert
23 Allen?

24 A. When?

25 Q. At the end, like say, like 2013, 2014?

1 A. Dean.

2 Q. Dean Riviera?

3 A. Yes.

4 Q. Okay. And how long did you work with Mr.
5 Riviera for?

6 A. Not for long. Maybe four, five months maybe.

7 Q. Okay. And during that time period when you
8 worked with him did you find him easy to work with?

9 A. Did I find him what?

10 Q. Easy to work with?

11 A. No.

12 Q. No?

13 A. No.

14 Q. Would he give you tasks to --

15 MS. LE: Objection, your Honor. Relevance.

16 THE COURT: I'm not sure.

17 MR. HARRINGTON: I think the relevance is,
18 Judge, there's been testimony that Mr. Riviera kind of
19 directed some of the issues towards the end here
20 relative to DigitalNet and made certain decisions
21 affecting that relationship, and he has been portrayed
22 and characterized as kind of this consummate
23 professional, and Mr. --

24 THE COURT: What?

25 MR. HARRINGTON: Consummate professional.

1 And I think Mr. Wahbe -- we're not trying to
2 denigrate Mr. Riviera, but Mr. Wahbe may have some
3 insight as to what he was like to work with, which I
4 think would facilitate you, as the factfinder, relative
5 to how perhaps he was working with other people.
6 Specifically, DigitalNet.

7 THE COURT: I guess -- here's my point. I
8 don't think it's particularly relevant.

9 MR. HARRINGTON: Okay.

10 THE COURT: But I also don't think a lot of
11 the information we heard from Riviera was particularly
12 relevant to the case except that I know you're both
13 trying to make me understand some stuff I don't want to
14 describe in front of the witness.

15 So I'm going to allow you to do that. We'll
16 talk about that during the break between witnesses.

17 Go ahead. I'm going to allow this.

18 MR. HARRINGTON: Okay.

19 Q. So in regard to working with Mr. Riviera, you
20 I think indicated he could be difficult to work with.
21 Is that fair to say?

22 A. Right. Yes.

23 Q. Would you agree with me there would be times
24 that he would give you tasks to do, correct?

25 A. Uh-huh, yes.

1 Q. You would do those tasks, correct?

2 A. Yes.

3 Q. You would then go back to him?

4 A. Uh-huh.

5 Q. And what would happen sometimes when you went
6 back in with these completed tasks?

7 A. Well, sometimes I go back to him, I'm almost
8 done with the task, and he says, well, that's not what I
9 asked you to do. I mean, I've been in this field by
10 then at that time like for fifteen years and I know what
11 I'm doing, and he was, like, no.

12 He basically was against everything we were
13 doing at Robert Allen whether, you know, from the
14 network from -- he wasn't happy with anything.

15 Q. And did he try to bring in his own people to
16 try to work at Robert Allen as contractors?

17 A. Yeah, he did. Well, I don't want to say his
18 own. I mean, what do you mean own people?

19 Q. Why don't you tell us.

20 A. Well, he brought companies to work on the
21 network. Even myself and Bob Powers, who was the
22 manager for the network at that time because I wasn't
23 the manager, I was working remotely, we didn't find
24 it -- like, you know, why do you need to bring somebody?
25 Tell us what you need and we'll perform it. He insisted

1 on bringing people to the picture.

2 Q. Let me ask you a little bit about the IT
3 health assessment that you did for the United Way when
4 you worked at Robert Allen but also kind of working with
5 DigitalNet.

6 A. Okay.

7 Q. Have you done network health assessments in
8 the past?

9 A. I did.

10 Q. Okay. At that time when you did this
11 assessment how much experience did you have in the field
12 of IT?

13 A. Probably like ten years, twelve years.

14 Q. Okay. And you knew Azin (sic) who you worked
15 with, you said he was kind of the person --

16 A. Aziz.

17 Q. Aziz. Excuse me. He was the person who was
18 on-site?

19 A. Right.

20 Q. And you worked with him at Robert Allen?

21 A. Yes.

22 Q. Did you find him to be an experienced IT
23 person?

24 A. Yes.

25 Q. Was he experienced in doing the job that you

1 were assigned relative to the IT health assessment?

2 A. Yes.

3 Q. Did you work well together?

4 A. Yes.

5 Q. How did you feel about the quality of the IT
6 health assessment that you generated for DigitalNet?

7 A. Very good.

8 Q. And in regard to that, was that your -- you
9 indicated that Mr. Alrai acted as a supervisor, correct?

10 A. Yes.

11 Q. In regard to the work and the assessment, did
12 Mr. Alrai play any role in the actual assessment process
13 or was that for you and Mr. Aziz?

14 A. Just for me and Aziz.

15 Q. Okay. And in regard to that IT health
16 assessment and the results of that, did Mr. Alrai ask
17 you to, you know, edit the report or change it in some
18 way that would make it not accurate?

19 A. No.

20 Q. So you believe that the health assessment that
21 you provided and gave was an accurate portrayal of the
22 IT system and potential needs that United Way had?

23 A. Yes.

24 Q. Would you agree with me that Mr. Alrai never
25 asked you to try to conceal his relationship with

1 DigitalNet in any way, correct?

2 A. What do you mean? I'm sorry.

3 Q. Yeah, that's okay. So you worked for -- let
4 me kind of paint the picture a little bit more.

5 Mr. Alrai worked at the United Way and you
6 also were aware that DigitalNet was part of something
7 that he was operating as well, right?

8 A. Yes, yes.

9 Q. He never asked you to conceal that from
10 anybody, did he?

11 A. Not in a direct way.

12 Q. Okay. And I understand that you have talked
13 in your testimony about that you didn't let anybody
14 know.

15 A. Right.

16 Q. And that was a decision that you had made on
17 your own, you weren't going to talk about it, right?

18 A. Right. Like, yeah.

19 Q. Okay. I wanted to talk to you a little bit
20 about DigitalNet. You were a very kind of task oriented
21 person as an employee of DigitalNet, right?

22 A. Yes.

23 Q. You weren't involved in kind of the business
24 side of the operation?

25 A. No.

1 Q. Would that be fair to say?

2 A. Yes.

3 Q. Okay. So people who might have been involved
4 in other things relative to management of the company,
5 that would be something that you wouldn't even be aware
6 of. Is that fair to say?

7 A. Yeah, that's fair.

8 Q. In regard to DigitalNet, you had also talked a
9 little bit about the Pakistan office.

10 A. Uh-huh.

11 Q. And you indicated to the government and to the
12 Judge that you were aware that they had many employees
13 there and that you had yourself talked to at least five
14 different individuals there.

15 A. That's right.

16 Q. And was that part of your job relative to your
17 work as a DigitalNet employee in providing services to
18 the United Way?

19 A. Yes.

20 Q. Okay. And what role would the programmers
21 play in providing services to the United Way in
22 conjunction with your assistance as well?

23 A. I don't know what projects they were working
24 on, but they were working, because they're programmers
25 and I'm not, so they were doing something like web

1 developments, I think, and maybe other projects.

2 Q. Okay. So, for example, what do programmers do
3 compared to a network administrator?

4 A. Right. In a simple term, we build the
5 infrastructure, we build the base, and they go and code
6 what's on top of it.

7 Q. Okay.

8 MR. HARRINGTON: Let me have just one moment,
9 Judge.

10 THE COURT: Sure.

11 Q. During your time with DigitalNet when you were
12 providing services to the United Way, were there any
13 significant outages that were experienced by United Way?

14 A. For how long?

15 Q. Why don't you characterize that answer
16 yourself.

17 A. Because sometimes -- I mean, all the networks
18 they experience outages, but for how long is the key.

19 Q. Okay. And let me ask you in that regard,
20 given that you're a network administrator and you're
21 providing services, when those issues might crop up.
22 And when you say all systems, you're talking about like
23 for any company?

24 A. For any company, oh, yeah.

25 Q. So let me just finish with the question and

1 then you answer however you want.

2 In that regard in your services that were
3 provided to the United Way, would you characterize that
4 there were any ever significant outages that United Way
5 had during the time you were there?

6 A. No, I don't remember there was a significant
7 time.

8 Q. Okay. Other than what might be normal
9 outages?

10 A. Right, normal outages.

11 Q. Okay. And lastly, in regard to Mr. Alrai, you
12 had a fair amount of interaction with him since your
13 time at Robert Allen through the time at United Way. Is
14 that fair to say?

15 A. Yes.

16 Q. And did you find him to be an experienced IT
17 professional?

18 A. Yes.

19 Q. Okay. And did you find him to be
20 knowledgeable in the area of IT?

21 A. Yes.

22 Q. And did you find him to be a good manager of
23 IT?

24 A. Yes.

25 MR. HARRINGTON: I don't have any other

1 questions, your Honor.

2 THE COURT: Go ahead.

3 REDIRECT EXAMINATION

4 BY MS. LE:

5 Q. Mr. Wahbe, I just have a few questions for
6 you.

7 A. Sure.

8 Q. During your time at Robert Allen Group were
9 there issues with the phone?

10 A. Yeah.

11 Q. Because of the poor bandwidth?

12 A. It wasn't a poor bandwidth because they have a
13 system that's not related to bandwidth. They have old
14 systems. We're running on copper -- I don't want to go
15 into detail.

16 Q. Sure. That old system, right, and that ran
17 for a long time?

18 A. Yes.

19 Q. Do you know how old that system was?

20 A. Oh, that's a long time, 20 years maybe.

21 Q. Twenty years? By the time you left, it was 20
22 years old?

23 A. Oh, at least.

24 Q. Okay. Now, Imran started as CIO in 2007 at
25 Robert Allen Group? He started in 2006, right?

1 A. Okay.

2 Q. In 2007 he was promoted to CIO?

3 A. Uh-huh.

4 Q. He left in 2013?

5 A. Uh-huh.

6 Q. So what was that, seven years?

7 A. Yes.

8 Q. During those seven years did he ever do
9 anything to upgrade those phone lines other than bring
10 in DigitalNet?

11 A. Not for the showrooms, no.

12 Q. For anywhere?

13 A. There was a project that we worked on for the
14 headquarters, but I'm not sure if it was under his time
15 or a different time maybe before him. Maybe before.

16 Q. Okay. So it sounds like your testimony is
17 during his seven years as the CIO, or six and a half
18 years as the CIO, he did nothing to upgrade the phone
19 systems at Robert Allen Group except for bringing in
20 DigitalNet later, right?

21 A. Yeah.

22 Q. Okay. And the phone system that DigitalNet
23 brought in, the managed cloud Telephony system, that had
24 to do with some bandwidth, right?

25 A. That has to do something what?

1 Q. It depended on bandwidth, right? That was
2 supposed to be cloud service?

3 A. Yes, cloud service. Right.

4 Q. So it would depend on the network's bandwidth?

5 A. Yes.

6 Q. Okay. So he brought DigitalNet in?

7 A. Yes.

8 Q. He knew what the problems were at Robert Allen
9 Group?

10 A. Yeah.

11 Q. He knew how weak the bandwidth and the network
12 were, right?

13 A. You mean to handle the new system?

14 Q. Yeah.

15 A. I don't think it was weak.

16 Q. Okay. But he knew what the issues were with
17 bandwidth at Robert Allen Group if there was issues?

18 A. Yeah, he would have known.

19 Q. Okay. And he's the one who brought in
20 DigitalNet, right?

21 A. Right.

22 Q. In fact, he is DigitalNet, right?

23 A. Okay. Yes.

24 Q. Well --

25 A. Yes, yes, yes.

1 Q. Okay. So if there were any issues with the
2 phone line with the old system in place and bringing in
3 this cloud Telephony service that DigitalNet was
4 supposed to bring to the showrooms, Imran would have
5 known about all those issues?

6 A. Sure.

7 Q. Okay. Fair to say you preferred Imran as a
8 supervisor over Dean Riviera?

9 A. Yes.

10 Q. You worked with Imran for a much longer time?

11 A. Yes.

12 Q. He took good care of you, right?

13 A. Right.

14 Q. He gave you flexibility, right?

15 A. Right.

16 Q. He didn't micromanage you?

17 A. That's true.

18 Q. He helped you when you had to go back to Syria
19 to take care of your family?

20 A. That's right.

21 Q. Okay. When you needed a job after you left
22 Robert Allen Group, he picked up that extra work for
23 you; is that right?

24 A. That's right.

25 Q. Okay. He's been good to you over the years?

1 A. Yes.

2 Q. You only worked with Dean Riviera for four or
3 five months, right?

4 A. That's right.

5 Q. You have no firsthand knowledge of what his
6 work product and expertise was after that time. Am I
7 right?

8 A. That's right.

9 Q. Okay. Now, you were asked about the IT health
10 assessment?

11 A. Uh-huh.

12 Q. Okay. Did you write a report?

13 A. I don't think we wrote like an actual report.

14 Q. Okay. Tell me what happened.

15 A. As I remember, we did the health assessment
16 and Aziz I think e-mailed Imran the finding.

17 Q. Okay. Were you involved in typing what the
18 findings were?

19 A. I don't think I was -- maybe. I don't
20 remember at that time honestly if I was really actually
21 doing the typing or Aziz was doing the typing.

22 Q. Okay. So it would have been in some kind of
23 e-mail?

24 A. Yes.

25 Q. And who was that e-mail sent to?

1 A. Assuming to Imran. No, I mean to Imran, but
2 I'm not sure to what e-mail address.

3 Q. Oh, sure. You don't know if it was the United
4 Way one or the DigitalNet one?

5 A. Right, right.

6 Q. And so if there was anything that Imran
7 presented, you wouldn't have seen it, right?

8 A. Right. I wouldn't have seen it.

9 Q. You didn't transmit anything to the people at
10 United Way making the decisions?

11 A. No, no, no.

12 Q. All right. Now, counsel asked you if Imran
13 ever directed you to conceal his relationship at
14 DigitalNet to United Way folks, right?

15 A. Right.

16 Q. And I believe your answer was "not in a direct
17 way."

18 A. Right.

19 Q. Can you explain that answer?

20 A. I mean, he never told me, like, to say, you
21 know, United Way, we don't want to go to Pat and tell
22 her that I work for DigitalNet. He never said that but,
23 you know, my understanding is he wouldn't want me to
24 tell United Way about DigitalNet.

25 Q. But you're making assumptions. Why did you

1 think this? He never told you not to say anything.

2 A. Actually, there was an incident that I sent
3 him an e-mail to a DigitalNet account. It was copied by
4 other employees at United Way.

5 Q. Okay.

6 A. And he told me not to do that again. Just
7 direct it either to United Way or to DigitalNet. Don't
8 mix them together.

9 Q. Why not?

10 A. He didn't say.

11 Q. Okay. But he didn't want you to be sending
12 him e-mail with his imran.alrai@digitalnet, right?

13 A. Right.

14 Q. When other people who have United Way e-mail
15 were on that same thing?

16 A. Right.

17 Q. All right. Now, are you aware that Imran had
18 a responsibility as the VP of information technology to
19 disclose his relationship to outside vendors like
20 DigitalNet?

21 A. Again, I'm sorry?

22 Q. I'm sorry. Let me be clear.

23 Did you know that he was the VP of information
24 technology?

25 A. Yes.

1 Q. Okay. That's a high office, right?

2 A. Yes.

3 Q. It's a pretty big deal?

4 A. Yes.

5 Q. He's like the guy in charge of IT, right?

6 A. That's right.

7 Q. Okay. And he's in charge of making sure
8 everything worked?

9 A. That's right.

10 Q. He's in charge of making sure everything works
11 as it's supposed to work?

12 A. Yes.

13 Q. Okay. And he's managing the contract with
14 DigitalNet, right?

15 A. Yes.

16 Q. Making sure the DigitalNet people are doing
17 their job for United Way?

18 A. That's right.

19 Q. Okay. And he's going to make sure that what
20 his employees at United Way need gets done, right?

21 A. That's right.

22 Q. Okay. So do you know if he's considered an
23 executive within that organization?

24 A. Sure.

25 Q. And this is a big organization?

1 A. Yep.

2 Q. Over a hundred people, right?

3 A. Yes.

4 Q. Okay. And you know they're a charity, right?

5 A. Yes.

6 Q. Okay. Do you understand the concept of
7 conflict of interest?

8 A. Yes.

9 Q. What is your understanding of conflict of
10 interest?

11 A. When you have -- when you are on two sides of
12 the equation. In the middle there's, you know, an
13 interest, you know, you're supposed to be --

14 THE COURT: He gets it. So do I.

15 Q. Sir, I would like you to look at Exhibit 412.
16 This has already been admitted. Would you just read
17 this section to yourself?

18 MR. HARRINGTON: Judge, I'm just going to
19 object at this point. Isn't this cumulative? It's
20 already in as an exhibit and it's been spoken about a
21 number of times.

22 THE COURT: Is there something that he covered
23 about it on cross that you wanted to elaborate on?

24 MS. LE: Yes, your Honor.

25 THE COURT: What was it?

1 MS. LE: His awareness of why Imran Alrai
2 would have wanted the relationship that Imran had with
3 DigitalNet to be kept away from the United Way.

4 THE COURT: You're going to do it with this
5 exhibit?

6 MS. LE: Yes, your Honor.

7 THE COURT: All right. Go ahead.

8 Q. Can you read this, sir?

9 A. Uh-huh.

10 Q. Just let me know when you're done. Just read
11 the whole page just so you understand the content.

12 (Witness does so)

13 Q. Were you ever asked to fill out this form at
14 the United Way?

15 A. No.

16 Q. But you weren't a United Way employee, right?

17 A. No, I wasn't.

18 MS. LE: Okay. Can you go to the second page,
19 Ms. Sheff, 3750.

20 Q. Do you see that date, sir?

21 A. Uh-huh.

22 Q. March 16, 2012?

23 A. Yep.

24 Q. The name of the individual?

25 A. Uh-huh.

1 Q. Imran Alrai, right?

2 A. Yes.

3 Q. And do you recognize his signature?

4 A. I don't know his signature.

5 Q. Oh, you don't. Okay.

6 MS. LE: Can we go back to the first page,
7 3749.

8 Q. Sir, this section here --

9 I don't know why it's drawing arrows on me.
10 There we go.

11 Okay. So you know that Imran Alrai filled
12 this out in March of 2012.

13 A. Okay.

14 Q. Okay. He clicked no on all of these things.
15 Based on what you know about DigitalNet and Imran
16 Alrai's relationship to it, is this information correct?

17 A. No.

18 MS. LE: Thank you.

19 No further questions, your Honor.

20 MR. HARRINGTON: I have no follow-up questions
21 based on that, Judge.

22 THE COURT: So when you said -- when you were
23 asked by Mr. Harrington, did Imran ever ask you to
24 conceal from United Way his relationship with
25 DigitalNet, you said not in a direct way. That was your

1 answer, and you explained it on redirect a little bit.

2 I'm just trying to make sure I understand.

3 Was it conveyed to you in an indirect way that you
4 should not convey that information?

5 THE WITNESS: Right.

6 THE COURT: All right. So you're saying it
7 was conveyed to you but not in a direct way?

8 THE WITNESS: Yes.

9 THE COURT: And in what way was it conveyed to
10 you? How was it conveyed to you? How were you made
11 aware that you shouldn't disclose that relationship to
12 the United Way?

13 THE WITNESS: This is one of the examples, as
14 I said, in an e-mail sent, and he sent me an e-mail
15 saying don't mix them together.

16 THE COURT: That's a direct way.

17 THE WITNESS: Okay. That's direct.

18 THE COURT: I'm asking -- or at least in my
19 view it's a sort of direct way I guess, but were there
20 other things about the way he conducted the business or
21 conducted himself that made you understand that was not
22 something that you should disclose?

23 THE WITNESS: Yeah, in the way he conducted
24 himself, you know, like when he's around United Way
25 employees.

1 THE COURT: And that made you aware you
2 shouldn't make United Way employees aware that
3 DigitalNet and Imran were connected?

4 THE WITNESS: That's right.

5 THE COURT: All right.

6 Is there anything else you can tell me about
7 that, any more details at all about how it was
8 indirectly conveyed to you that you should not disclose
9 the relationship?

10 THE WITNESS: No.

11 THE COURT: All right. Does anybody want to
12 follow up on that?

13 MS. LE: Yeah, may I just elaborate on your
14 Honor's question?

15 THE COURT: Both sides may.

16 FURTHER EXAMINATION

17 BY MS. LE:

18 Q. Mr. Wahbe, you said that -- what would happen
19 when other United Way workers were around and you would
20 interact with Mr. Alrai? Tell me about that.

21 A. Again, because I work remotely it's not clear,
22 like, you know, my involvement is very limited.

23 Q. Right.

24 A. But he wouldn't discuss, like, DigitalNet's
25 business in front of United Way employees if I am on the

1 call, like we are on a call for a conference or
2 something like this.

3 Q. So was there a situation where you were on a
4 conference call with United Way about issues that were
5 coming up and you wanted to talk about taking a vacation
6 or something like that?

7 A. If something like this would happen, I
8 wouldn't talk to him about it in front of the other
9 people, yeah.

10 Q. But why not?

11 A. Well, just because -- based on the way he
12 conducted himself, it was just like this is two
13 different environments.

14 Q. Okay. And there were occasions where you
15 would be physically on-site at United Way, right?

16 A. Yeah, very limited, yes.

17 Q. You would come for a couple of weeks at a
18 time?

19 A. Yeah.

20 Q. Every year or two or something like that,
21 right?

22 A. Right.

23 Q. Okay. And were there interactions then --
24 because I think this is what you mentioned to the Court.
25 When other United Way workers were there and you were

1 there and Imran was there, tell us about that
2 interaction that gave you this impression.

3 A. He would act as he is vice president of United
4 Way and it has nothing to do with DigitalNet.

5 Q. Okay. Were there ever any conversations that
6 brought up conversations with DigitalNet and Imran said,
7 I'll have to talk to DigitalNet about that? That could
8 be a specific example if you can recall one.

9 A. I don't recall, honestly.

10 Q. Okay. And in your mind that e-mail where you
11 accidentally sent an e-mail to Imran at his DigitalNet
12 account and included United Way people, that to you is
13 indirect?

14 A. Right. Maybe it's direct.

15 Q. It's kind of hard to tell. Thank you, sir.

16 THE COURT: Anything further?

17 MR. HARRINGTON: Thanks, Judge. Just brief.

18 RECROSS-EXAMINATION

19 BY MR. HARRINGTON:

20 Q. So based on what you said on these kinds of
21 lines of questioning, would it be fair to say that Mr.
22 Alrai wanted to keep his role at United Way separate
23 from his role at DigitalNet?

24 A. Sure. Absolutely.

25 Q. And he wanted to make sure that the

1 communications stayed in those different areas?

2 A. Yes.

3 Q. If it was a United Way communication, it went
4 to United Way, and if it was a DigitalNet communication,
5 it would go to him at DigitalNet?

6 A. Yes.

7 MR. HARRINGTON: No other questions, Judge.

8 THE COURT: Well, okay, but he just asked you
9 was it clear that he wanted to keep his role at United
10 Way separate from his role at DigitalNet.

11 THE WITNESS: Yes.

12 THE COURT: Was it also clear to you -- you
13 can't read his mind, but I'm just asking you based on
14 the way he behaved was it also clear to you that he
15 wanted to keep his role at DigitalNet secret from United
16 Way?

17 THE WITNESS: Yes.

18 THE COURT: And I appreciate the follow-up by
19 the prosecutor or at least your use of an example of a
20 conference call.

21 So you would be on a conference call making
22 statements, and your statements are clearly statements
23 on behalf of DigitalNet, right?

24 THE WITNESS: Right, right.

25 THE COURT: And Mr. Alrai was on the call,

1 too?

2 THE WITNESS: Uh-huh.

3 THE COURT: And he's your boss?

4 THE WITNESS: Yes.

5 THE COURT: So he never made any statements or
6 representations on behalf of DigitalNet on one of those
7 calls?

8 THE WITNESS: In front of United Way
9 employees?

10 THE COURT: Right.

11 THE WITNESS: I'll be honest with you, sir,
12 like even on those calls, because I am remote, he would
13 bring me in just for a technical question, a specific
14 question, and I'm out.

15 THE COURT: All right. Understood. Right,
16 just to answer a question. It wasn't like you were
17 participating as a policy maker.

18 THE WITNESS: No.

19 THE COURT: That's fair. I appreciate that.

20 Anything else? I never want to leave you guys
21 hanging on one of my questions.

22 MS. LE: No, your Honor.

23 THE COURT: By the way, if anyone objects to
24 one of my questions, I'm not going to take offense if
25 you object. I assume you are, I don't want to say

1 comfortable, but you're permitting this question.

2 All right. Go ahead. Anything else?

3 MS. LE: No, your Honor.

4 May the witness be excused?

5 THE COURT: You are excused, sir. Thank you.

6 (Testimony of Elaine Singer previously

7 transcribed under separate cover)

8 (RECESS)

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C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 4-8-20

/s/ Susan M. Bateman
SUSAN M. BATEMAN, RPR, CRR